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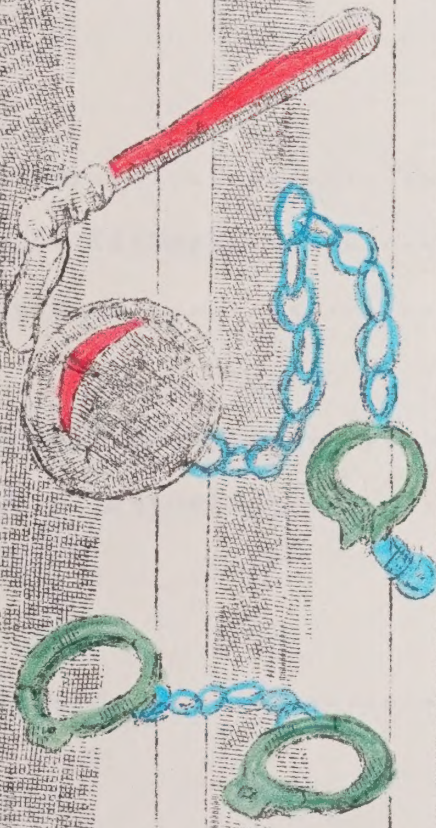
Aug 78

COLLINS-BAY

THE

CONTRACT

THE
GREAT
CRIMES



The
Con's
Rap



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This paper is put out by the Cons of Collins Bay Pen. and there have been a lot of papers that have come out of here over the years. We hope that this paper helps the men on the inside and also show the people on the outside just how we feel. The name of the paper is Contact - it not only means what it implies. It means much more to us. CON - is for CONVICT. The first T is for TOGETHER - A is for AGAINST - C is for CRUEL - T is for TIMES. And through this paper we hope to show you readers that we can do a lot more if we work together.

The opinions expressed in any particular articles are those of the author, and not necessarily agreed with by the editorial staff, nor do the views necessarily conform to the official views of the Solicitor General's staff or the administration.

Hopefully, this paper will come out once a month and that each and every issue will be better than the last as we (the staff) were all employed in different lines of work on the outside. We trust that you readers will help us make this the best prison rag to come out of any pen. The only way to do this, is to get involved and contribute to our cause.

Please submit articles to ensure that success. The men in here can place any contribution in the box on the strip. To the outside readers, please forward all contributions to us at this address (C/O Contact, P.O. Box 190, Kingston, Ontario.)

Third class mail is paid for in Canada. Permission to reprint any article is granted, provided that Contact and the writer is given full acknowledgement.

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CON-T. A. C. T. STAFF

Editor.....Honest Tom

Asst. Editor.....Jim (The Sailor) Hertrich

Sports.....Leo (Who) Smith

Art (The Committee Rep.) Melville

Barbell Alley.....Billy (Over The Hill) Sugg

Art & Lettering.....Pete (Gup) Henderson

Denis (The Menace) Lepik

Ralston (Sundown) Bennett

Typists.....Tom (The Tall Texan) Luxford

David (doc) Wood

Andrew (Teach) Simmons

Contributing Articles.....

Chester Goodwin
Gabi Klimstorn
Bob Richards
George D. Golde
Parrick Savarese
Wayne Hulburt
David P. Cole

Allen G. Merrian
J. Allen
Wendy Jackson
Steve G. Carr Harris
Billy Sugg
Allen S. Manson

FROM THE DESK OF THE EDITOR.

P.O. BOX 190 KINGSTON, ONT.

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If more con's would only realize the the job the prison press is doing, they would make a determined effort to give it their support, to study writing and keep plugging away at stories and articles so their magazine would have more material.

During the past ten or fifteen years, there has been a start of a great change in the public attitude toward prisoners. This has been due in the large part, to outstanding penologists who have been pointing out that, after all, prisoners are people.

The trouble is that while this message appeals to the thoughtful citizen

it simply doesn't reach the minds of large segments of the voting population who would like to believe that the only way to curb the crime rate is to increase punishment and "put teeth in the laws!"

Prisoners are people. The best way however to convince the general public that this is so is to establish a personal contact.

If someone tells you that Joe Doaks is a pretty good fellow, you don't pay much attention. But if you meet Joe Doaks and find that he really is a good fellow you are on the road to establishing a firm and lasting friendship.

The way for con's to meet the public is through the prison press. When con's write stories and articles which intelligently show their yearnings, their ambitions, their recognition of the problems, people will say, "Why doggone it that fellow is a human being just like I am". His problems are a little more intense than mine, but when you come right down to it, they're the same sort of problems I face in my own life.

If we can build up the outside circulation of prison magazines as much as possible and if the con's can write stories and articles which command respect while showing their problems as human beings, the result is bound to be a far better understanding. And out of that understanding may come intelligent co-operation in the field of convicts rehabilitation.

Moreover, writing is about the best way I know to develop insight into life and into character. You can't write about something without studying it, and when you begin to study the people around you the manifestations of life and the quirks of character, you begin to see beneath the surface. And with each story or article, regardless of whether it is acceptable or not, a man gains a little more insight into character and a little better understanding of the problems of life.

In my own case, I write acceptable stuff through the long hours of writing things which didn't make the grade. Every hour a man spends writing develops his skill and his sympathetic perception.

the penal press is far more important than many people think it is. It has more outside circulation than ever before and as it grows, writers grow with it. IT is a splendid opportunity.

The above was taken from an Guest Editorial, of the K.P. Telescope May 1966. And was wrote by Erle Stanley Gardner.

Do to the size of the article that was sent to us by Allan S. Manson and David P. Cole, I had to leave out some of the stuff that was to have went in to this issue. We on the staff felt that all of our readers would find the contents of the report enlightening. The report, Representation After Sentencing starts on page 17 and runs through to page 33. We hope that it will answer the big question that we all have, how does the new parole act apply to my case.

We would also like to know how you our readers feel about the new name CON.T.A.C.T. and of the new size?

I hope that it will not take as long to get this issue out to you as it did the last Avatar. We have run in to some trouble getting the paper, and more than trouble trying to find some one to stay in Social Development, well I run the paper off. If there is one thing that this job has taught me, it's how to sit and wait..... ~~We have all heard of the cut backs, but the only ones that I have seen, are the hours that the people come in to work. By that I mean the people up front, not the hours at work in the back end.~~

Do to the fact that we did run in to trouble printing the paper, we decided to put Oct. and Nov. in to one issue. And hope that we will be able to get a Christmas one out in time.

So read on good people and we will see you next month.

LETTERS TO THE EDITOR

CENTRE OF CRIMINOLOGY
UNIVERSITY OF TORONTO

Dear Mr. French:

Thank you for your letter sent to all subscribers advising that you have not been able to locate the financial records.

The library sent a Money Order No. 26121761-004 dated November 17/77 which was for all issues in 1978. The last one we received was the June 1978 issue.

We will probably renew for 1979 but would like to be assured that we are still on the mailing list and also receive the issues for 1978 that we have missed.

Yours sincerely,

I. Sheppard
Library Accounts

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Editor's Note:

Many apologies for the delay, your papers are coming forthwith.

Honest Tom

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OFFICE OF THE REEVE
KINGSTON, ONT.

Dear Tom:

Many thanks for your free copy of the magazine 'Avatar'. I see that you have some convictions as a result of giving freebie copies to other visitors, so I am enclosing \$4.00 for a subscription.

I have enjoyed immensely the opportunity to work with some of the inmate groups in the institution and to learn from them. In particular, I want to mention the Olympiads of 1978 and at present the Native Brotherhood who have undertaken to carve a totem pole for the Township.

I hope that there will be other ways in which we can build a bridge between the community in which you are living outside the walls and the community in which you are living inside the walls. If you or the inmates have any suggestions, I would certainly appreciate hearing from you.

Very Sincerely,

Peter Beeman
Reeve

~~~~~

Editor's Note:

I hope that the rest of the Citizen's Advisory Committee read the paper as thoroughly as you and will notice how I feel about freebies. As always it's a pleasure doing business with you Mr. Beeman

~~~~~


NATIONAL LIBRARY OF CANADA
CATALOGUING BRANCH

Dear Mr. French:

Thank you for your letter which we recently received in response to our claim for second copies of Avatar for May/June and July 1978.

It appears that there is some misunderstanding on your part regarding legal deposit. The deposit provisions of the National Library Act require that publishers in Canada deposit two copies of their publications with the National Library at their own expense. For your information and files we are enclosing the pertinent extract from the Act and the Book Deposit Regulations.

We are also enclosing a copy of the original deposit receipt which we sent you in June, 1975, when the first issue of Avatar was deposited. The deposit of publications with the National Library has some advantages for the publisher in that the title(s) of his publication(s) is (are) listed in Canadiana, the national bibliography, copies of which go to over 3,000 libraries and other institutions ensuring some publicity value for the publisher. In addition experience has shown many times that it is a practical convenience to have a complete file of his publication(s) permanently on file in the national collection.

We shall look forward to receiving the copies that we are lacking as well as two copies of future issues. Thank you for your continuing co-operation.

Yours truly

Jean Nowlan
Canadiana Acquisitions
Division and Legal
Deposit Office

Editor's Note:

The following was included with the above letter and should be good for a laugh.

BOOK DEPOSIT REGULATIONS, 1969

An important function of the National Library of Canada is to collect books and other publications produced in Canada or written or prepared by Canadians, or of special interest or significance to Canada and, in addition, to compile and publish the national bibliography Canadiana within these terms of reference.

To this end all Canadian publishers have been required by law since 1953 to send copies of their publications to the National Lib.

It should be noted that the deposit of publications in the Nat. Library has definite advantages for the publishers. The Library endeavours to preserve the books sent to it, and experience has shown many times that it is a practical convenience to publishing firms to have their publications permanently on file in a national collection. Furthermore, most of the items received are listed in Canadiana, the list of new publications relating to Canada that is issued by the Library each month. Canadiana goes regularly to over three thousand Canadian libraries and to hundreds of libraries and other institutions in foreign countries. The publicity value of this service to the publisher is considerable.

Changing conditions and the development of the National Library of Canada have made necessary the repeal of the first National Lib. Act, effective January 1, 1953, and the adoption of a new National Library Act, effective September 1, 1969.

Clause 11 of the new National Library Act governing the legal deposit of books is quoted on page 3 of this leaflet. The Book Deposit Regulations pursuant to the Act appeared in the Canada Gazette of August 27, 1969, and are reproduced here on page 4.

Publishers should note that the National Library does not claim copies of all the books listed in their catalogues, regardless of origin or character. Only publications in the following categories are claimed under the deposit law: (1) Books wholly or partially manufactured in Canada; (2) books bearing on the title-page the imprint of a Canadian publisher.

Within these categories certain kinds of publications are not required to be deposited unless specifically requested by the Nat. librarian. These are listed in the Regulations on page 4.

Publications required to be deposited without specific request include such items as:

- (1) Trade publications generally, dealing with all subjects and in all fields, including text books for children.
- (2) Publications of professional and philanthropic associations, of learned societies and of educational institutions, including university calendars.
- (3) All types of reference books, including year books, almanacs exhibition catalogues, guide books, directories (e.g. city, trade, professional), loose-leaf services, biographical dictionaries, and bibliographies.
- (4) Pamphlets
- (5) "Paperback" or "pocket book" editions.
- (6) Periodicals and serial publications.
- (7) Publications consisting wholly or mainly of music, including scores and sheet music.
- (8) Maps, including those issued for tourist and advertising purposes (such as road maps).
- (9) Art books and portfolios of prints, reproductions, etc.
- (10) Phonograph records, audio tapes and other sound recordings that have a Canadian content or a Canadian composer, artist, conductor, orchestra or similar Canadian connection, in addition to having been manufactured in Canada.

Extract from National Library Act

11. (1) Subject to this section and the Regulations, the publisher of a book published in Canada shall, at his own expense and within one week from the date of publication, send two copies of the book to the National Librarian, who shall give to the publisher a written receipt for the book.

(2) Where the retail value of a book published in Canada exceeds fifty dollars, the publisher of the book is deemed to have complied with the requirements of this section if, at his own expense and within one week from the date of publication, he sends to the Nat. Librarian one copy of the book, equal in quality to the best quality produced.

(3) The Minister may make regulations

- (a) respecting the quality of the copies required to be sent to the National Librarian of any book the copies of which are not of uniform quality;
- (b) prescribing the classes or kinds of books in respect of which only one copy is required to be sent to the National Librarian; and
- (c) prescribing the classes or kinds of books in respect of which no copies are required to be sent to the National Librarian unless specifically requested by him.

" (4) Every publisher of a book published in Canada who con- "

" travenes or fails to comply with any provision of this "

" section or the regulations is guilty of an offence and is "

" liable on summary conviction to a fine not exceeding one "

" hundred and fifty dollars. "

~~~~~

Editor's Note:

I don't know if the readers are as shocked at this law as I am, but as I told you in the last issue we have an awful lot of laws that are similar to Nazi Germany's laws.

This might come as shock to the National Library, but I'm a 'LIFER' and a Summary Conviction doesn't fizz on me at all and if I'm fined they can seize my \$11.50 that I get bi-monthly.

As you can see I'm not the highest paid ~~working~~ Editor in the world.

HONEST TOM

~~~~~

Dear Mr. French:

I am submitting this article to be included (hopefully) in your paper. Having worked both as a parole supervisor and now with the families of inmates, I have found that communication is the most difficult problem for those inside and outside.

I hope that this article sparks more and better communication, and would be pleased to answer any letters in my capacity of Women's Group Co-ordinator.

Yours sincerely,

Gabi Klimstra.

Women's Group Co-ordinator.

Editor's note:

I thank you for the letter and the article. It is always interesting to know what our women folk are thinking and to try to relate what they are going through.

I was going to try to answer some of the questions that they had asked, but truth to tell, I don't think that it would be fair, because I cannot answer for all men in jail. There is one question, however, that I would attempt to answer. "Why is he trying so hard to control me?" An educated guess is that we feel the need to feel protective towards them. In the sense that we are not particularly controlling but regulating our interests on a mutual level.

Honest Tom.

KNUCKLE-HEAD FREEDOM

David (Drifter) Lewis stepped beyond the Penitentiary walls on April 22nd 1954. He had been sent to prison for killing a murderer. Seven years earlier his 'ole lady and him had been out for a ride on his new bike (a forty-six Knuckle-head.) when they were forced off the road and into a tree. The driver of the car never even slowed down. That night Drifter suffered great loss- his bike was smashed and his 'ole ladie's life was taken. He himself was in the hospital having received cuts and scrapes needing attention and was given a sedative to help calm his nerves.

For days Drifter walked around in a daze. His world had been taken from him, his 'ole lady dead and his bike was crippled to an extent that no make-shift parts would return her to the road.

Through his dazed thoughts one picture returned to his mind time and time again. It was the picture of the car that had run them off the road, a green forty-two Dodge with a smashed up front end.

As time went on he drifted from bar to bar drowning his sorrows within a whiskey glass, until one day he spotted it, the busted up forty two Dodge!! Anger exploded within him and when he got his hands on the owner of the car he unleashed with such forceful blows that the driver of the car was rendered unconscious with broken bones and bleeding from all over within minutes. After he was pulled off the guy and a ambulance took the guy away Drifter was arrested for assault causing bodily harm and taken away to jail. Once inside his cell, David felt his coat for his smokes, lighting one he relaxed with the thought that he had taken care of the man he'd assaulted with a strength and ability he never realized he'd had.

The next morning Drifter expected to be released but was notified that later the previous night the goof he had beat died from internal bleeding and that he was being charged with murder.

In court the murder charge was dropped and he was given nine years for man-slaughter. The way they put it justification didn't matter. Drifter had taken the law into his own hands and that was unexcusable.

Well it was seven years later and Drifter was released a free man. All he had to show for those years was a hatred for the man and a love for his bike. During the time he'd been in jail some bro's of his had collected parts and had rebuilt his knuckle. For the days that followed Drifter partied with his fellow bikers. The only time they left the club-house was to score more booze or drugs and as is biker fashion they left a few times.

However the time came when the need to feel the road beneath was no longer bearable so climbing aboard the knuckle, Drifter said good-bye. They were 1%ers all of them and the best friends he'd ever had. Unknown to the club it was the last time they would see their bro alive.

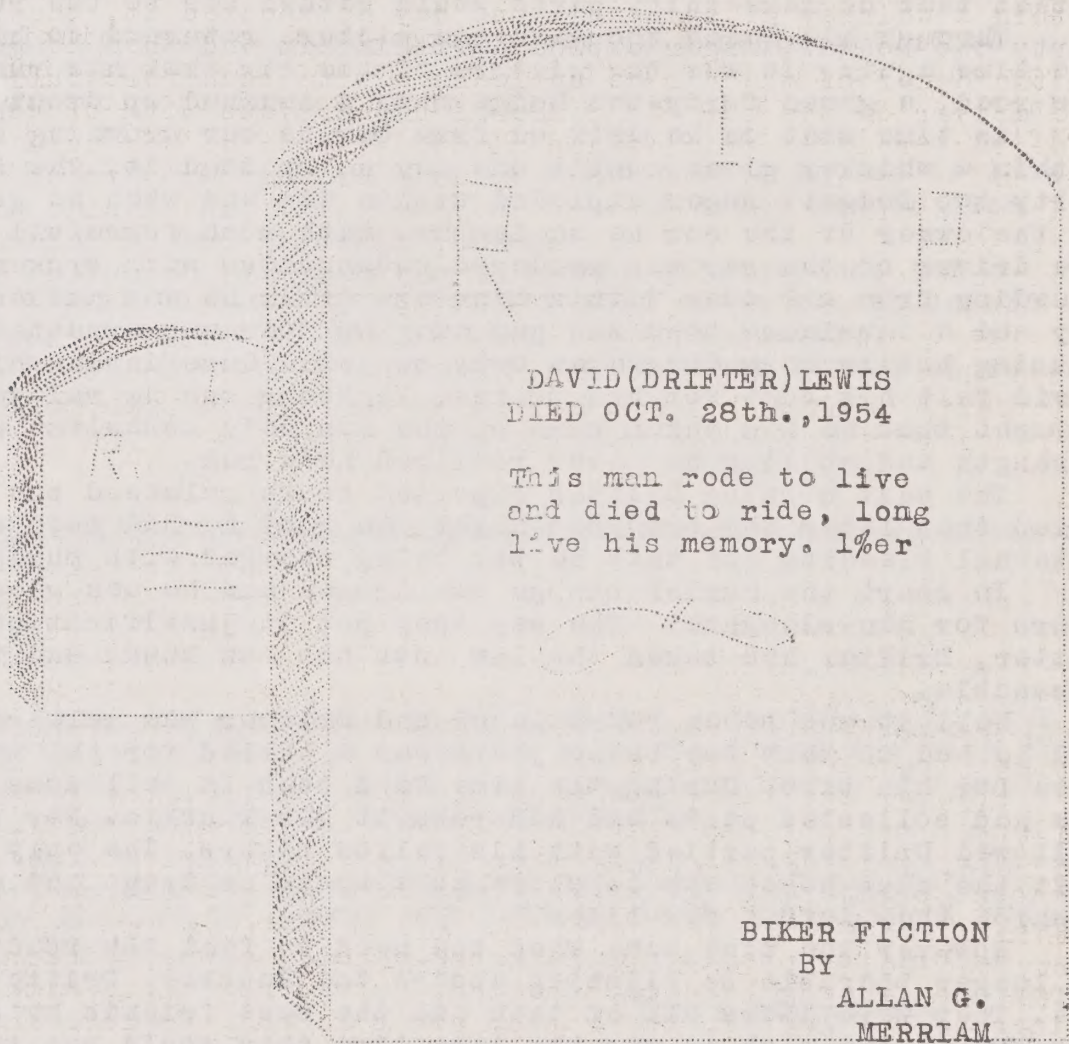
As Drifter opened up the knuckle-head he was thinking of the party and friends he'd left behind. He was now alone with the only things he had left in the world; his bike and the love for riding. Drifter had been the only person to ride the knuckle and his love for his bike was one that could not be changed. Nobody had ever ridden her and no one ever would.

The months that followed Drifter's heart was once again filled with a joy that only a biker knows, the joy of riding roads that go on for miles never the same and never ending. The freedom a biker experiences traveling those roads is not to be imagined, it's like the birds in the sky, the trees in the wind and the knowing in a small way that you're a part of it all. During those months Drifter had met and partied with clubs all through the country. However after the party was over he'd always hit the road leaving behind people to miss him. When people asked where his home was Drifter answered "My home is where my next mile takes me, my life is my bike as my bike is my life."

So as time went on Drifter realized that he had to start thinking of the coming winter, down south he figured. However the roads had once again carried him close to a bunch of Bro's he just had to see, a few months before they had given him another chance to experience freedom. When he'd been released from the pen, these Bro's

had had his bike all rebuilt and waiting for him. So it was in the very town where it all began eight years before that Drifter lost his life. He decided that before he hit the club-house he'd visit the grave where his 'ole lady was laid to rest. He was cruising down a back street when a car coming off a side street failed to stop and broad-sided the bike. The knuckle-head lay smashed spilling gasoline onto the road and Drifter lay dying beside it. All he could think of was that no one must ever ride his bike. They could never treat it with the love, care and understanding he had treated it with and the bike deserved no less. So with the last of his remaining strength he struck a match and ignited the gasoline-strewn road.

David's life ended there that night and with him went the only thing worth him living for -- his forty-six knuckle-head.



PRISON CELL

OLD PRISON CELL I'VE BEEN LOOKING AT YOU
SINCE NINETEEN FIFTY EIGHT.
YOU'VE TRIED YOUR BEST TO BREAK ME
AND FILL ME FULL OF HATE.

TWENTY YEARS HAVE GONE BY NOW SINCE I FIRST
WALKED THROUGH YOUR DOOR.
AND I DON'T FEEL ANY DIFFERENT NOW
THAN I EVER DID BEFORE.

THE FIRST YEAR YOU WERE WORSE THAN HELL
BUT NOW YOU'RE HOME TO ME.
YOU FAIL TO BE PUNISHMENT WHEN
SO LONG YOU'RE ALL I SEE.

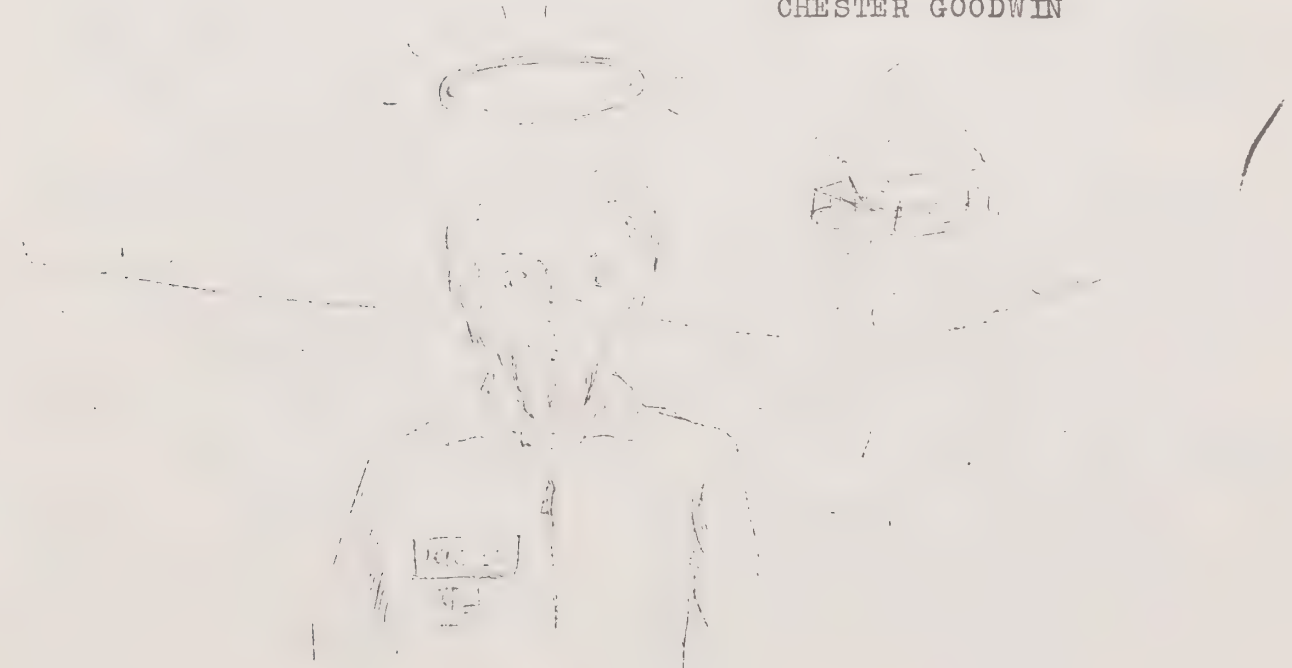
YOU FOOLS THAT PUT ME HERE NOW
TO PUNISH ME SET ME FREE.
BECAUSE OUT THERE I'M LIKE A BOAT
WITHOUT A RUDDER ON THE SEA.

THAT MAN THERE WITH THE KEY
THE ONE THAT LOCKS MY CELL.
HE'S THE ONE THAT SOME DAY WILL
HAVE TO PAY THE BILL.

WHY SHOULD I BE BITTER? I SHOULD'NT BE
NOT AT ALL.
FOR I HAD NOTHING TO DO WITH
THE BUILDING OF THIS WALL.

HE'S THE KEEPER AND I'M THE KEPT
SO WHY SHOULDNT I BE GAY.
I'M THE ONE WITH THE LESSER SIN
COME THERE A JUDGEMENT DAY.

CHESTER GOODWIN



Teach Me

Teach me to laugh, just like you
Teach me to smile and be happy too,
Teach me to love and how to pray,
Teach me to accept each passing day.

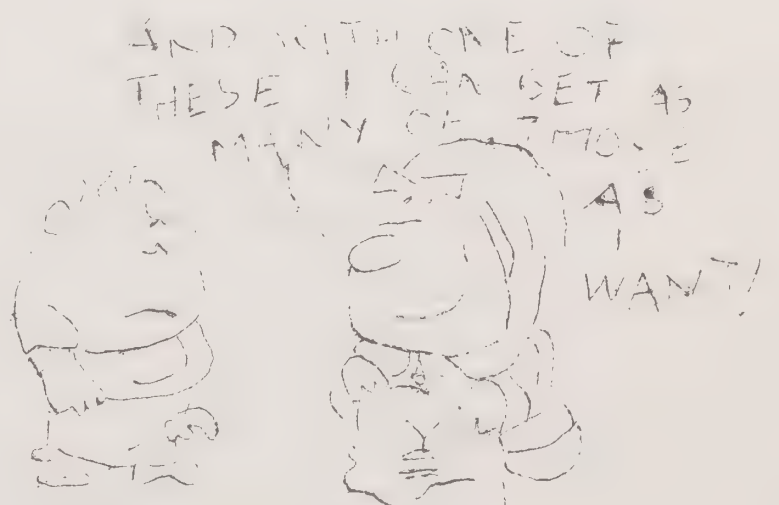
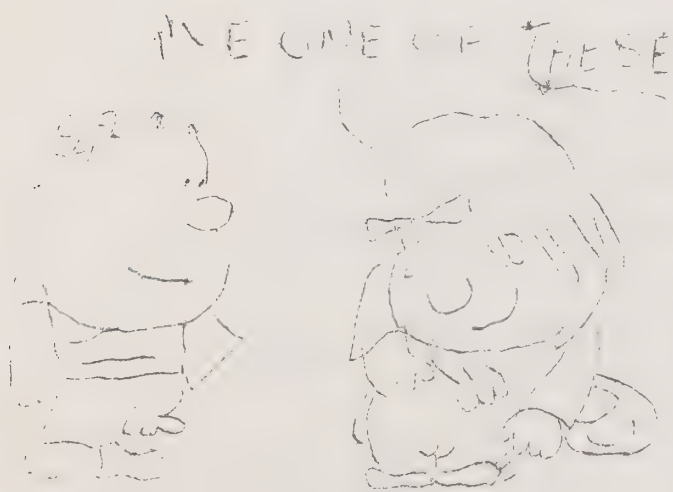
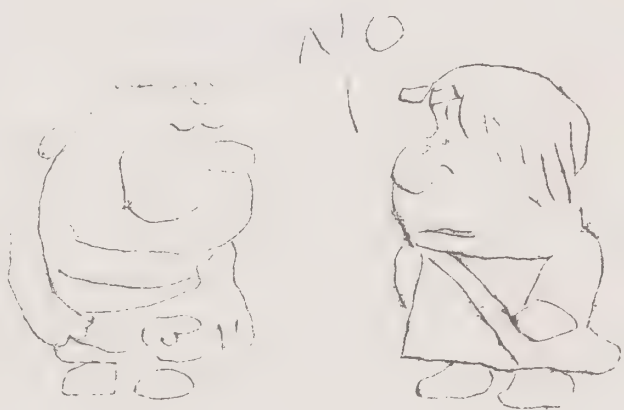
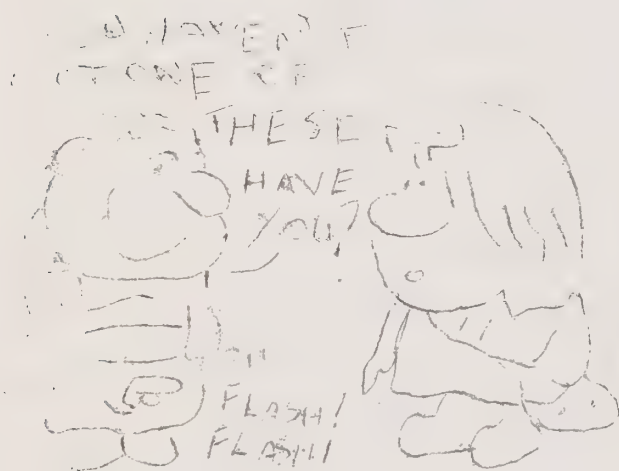
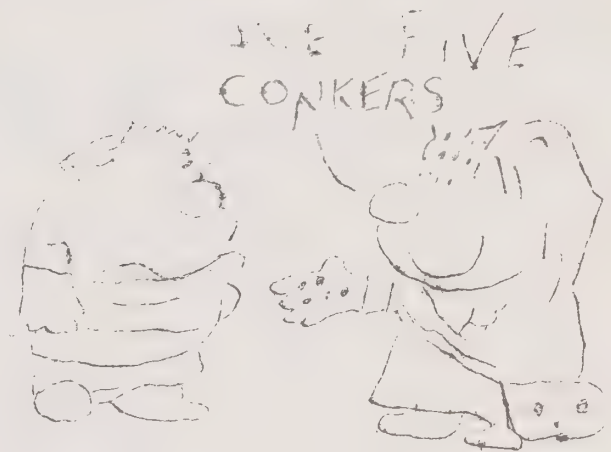
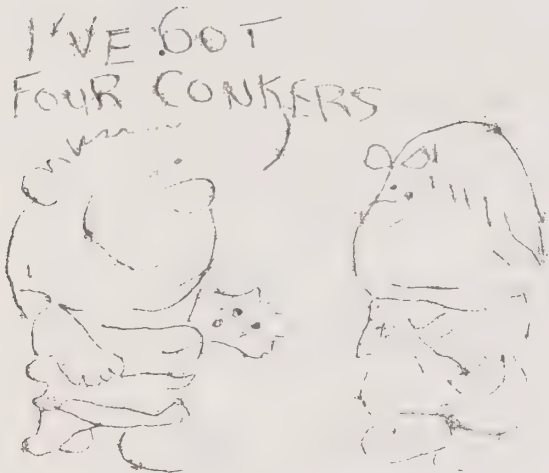
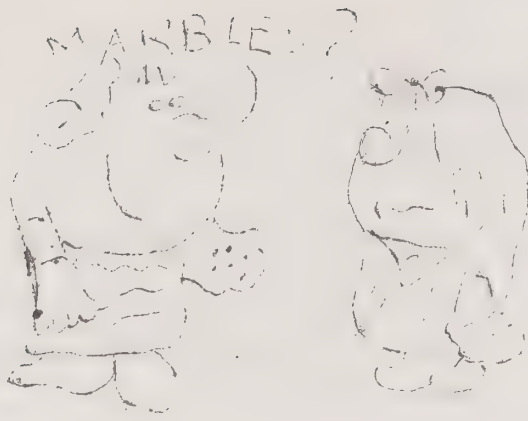
Teach me the ways of love,
Teach me to know God above,
Teach me the ways of happiness,
Teach me to always do my best.

Teach me to walk with my head high,
Teach me to laugh till I cry,
Teach me to accept defeat,
Teach me please so I can teach.

Bob (Spike) Young

Can I be strong like you?
Can I be a friend who's true?
Can I be a man who cares?
Can I be your underwear?

Bob (Spike) Young



" RIGHT ON CHESTER "

" RIGHT ON PEOPLE "

Give me all your down and out, Give me your losers
You know, all your Speed Freaks, Junkies, and Boozers
Give me all your Hookers, Pushers, Pimps, and Squaws
Honky Tonk Hobos, and you Damn Outlaws
All on Welfare and all doing fine
And I'm proud to say they're all friends of mine.

Right on people never ask for much
Some Drugs, Music, Booze and such
Some SEX you say, OH Is that what you want
O,K, No problem, It's cheaper than Junk.
Got A Right On Old Lady, that's really far out.
The Judge gave her a year in May, on or about.

But my Baby can handle it she don't bluff
The tough get going when the going gets tough
Ritalin's out bag, and it's a far out trip
If you're coming with us get a good grip
Right On Chester is running the show
So hang on Baby and don't let go

Every so often He'll yell, "More Beans"
The guy never sleeps, or so it seems
Chester and Diane got a real cool Skatter
You can just Freak Freely, it really don't matter
If you find an ashtray, well that's a big score
Most right on people put their butts on the floor

What's there is yours, Whatever is there
Sit on the floor if you can't find a chair
When Diane freaks out, don't pay her no mind
She's really soft-hearted, Gentle, and Kind
The lights, they stay on both day and night
Will you come back friend, we hope you might.

Chester Goodwin



WE HAD A LANGUAGE THAT WAS ALL OUR OWN
AND I KNEW A GIRL CALLED JOAN THE BONE
SHE WASN'T MY OLD LADY CHICK OR GIRL
WHEN I WAS A KID SHE WAS MY TWIST AND TWIRL

WE WERE PRETTY TOUGH KIDS WAY BACK THEN
WE USED AN OIL DRUM TO PLAY KICK THE CAN
WE HAD THE SAME HASSLE WITH THE COPPERS
ONLY THEY WERE CALLED THE BOTTLES AND STOPPERS

WHEN THEY LOCKED US UP IN THE SLAMMER
WE MET A GUARD THEY CALLED THE HAMMER
TO US OF COURSE HE WASN'T A GUARD
IN OUR LINGO HE WAS SOFT AND HARD

AND IF WE WANTED TO MAKE HER SORE
WE WOULD CALL HER A SWINGING DOOR
WOULD YOU BELIEVE THAT YOUR EYES AND FACE
WAS YOUR MEAT PIES AND CHIP AND CHASE

SOME CHICKS COULD REALLY GIVE YOU FITS
BOUNCING AROUND THEIR BRACE AND BITS
AND IF SOMEONE GAVE YOU THE FINGER
YOU GOT THE LEAN AND LINGER

IT WAS US THAT STARTED ROCK AND ROLL
EVEN IF IT MAKES US SOUND OLD
WE SEPARATED THE MAN FROM THE KID
OR THE RUSTY CAN FROM GOD FORBID

CHESTER GOODWIN
R.R.C. (O) 1978

"Red"

Now Red and I don't always Agree.
 And what don't help at all is this Penitentiary.
 Red's not a big man, No he's not by Far.
 But to hold him it takes Stone, Steel, and Bar.

He's got a Big heart made of solid Brick.
 For sympathy he says look between Syphlis and Shit.
 But I would trade the Old RED for no one on Earth.
 Though sometimes I curse the day of his Birth.

You'd never guess how Red became a Friend of Mine.
 We were both in the Digger and wired for Piobenzemine.
 OH! Those little Green Hornets God what a Trip.
 They could make a man Do a Double back Flip.

There's only one Red or so I've been Told.
 When the made the Red they broke the Mold.
 The people that knock him and put him Down.
 Don't ever do it when the Red Head's around.

Red's got nothing against fighting And he ain't no slo..
 Better pack a lunch Because that's an all day job.
 He's something again when he plays Floor Hockey.
 How he flies down the floor so Cool and Cockey.

Oh! For to see him taker down just one Peg.
 There's some that would give up an Arm or a Leg
 But there's Others that will back him 'till the last
 gun.
 Needless to say your Looking at One.

Chester Goodwin

Blackball

I've walked that bridge of ice
 Few of us must
 I saw it collapse
 To the irretracable path
 And dissolve into the sea

Alone on the sunless strand
 Watching waves travel their blind journey
 Lost in time
 Keeping to themselves
 The Secret

I walked on
 As starlight lit my lonesomeness
 And sand pebbles
 Unbent a mind of twisted steel
 Love

The moon bore a cold light
 Wind-swept and desolate
 With jagged rocks
 Hiding under the black blanket
 Piercing my feet

Soft bosoms
 Brought the warm sands
 Soon they were gone
 Leaving the wind
 To blow over my lonely heart

Had it withered away
 I would never learn
 The promise of waves
 Who retain the key
 To perfect harmony

Winston Vaughn Conyers

The falling autumn leaves we once admired together
have disappeared
The songs we dedicated,
the poems we wrote,
The smiles we quietly
let slip away,
were once a reality -
too real to ignore .
But other things,
other people,
have entered into life's interpretation.

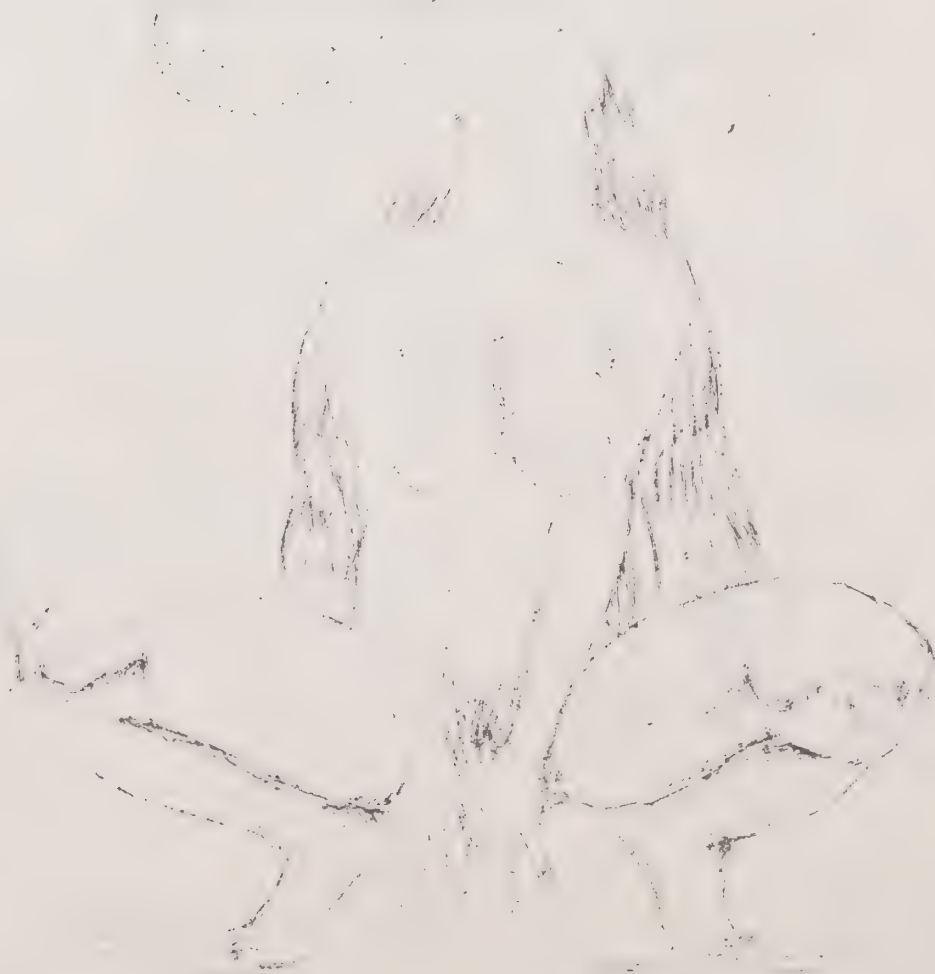
I loved you
not only for what you were
but also for who I was
when I was with you.,

Enough time has passed,
many people have kept me amused
so that I may forget you.
Yet if I honestly asked myself to admit the truth,
I'd have to say, "No, he still lives within me,
as strongly as once before."

I have grown taller in loving you.
My heart has soared to heights unexpected,
Your teaching has led me to believe
in far better things.

Still I hope
to right a giant wrong;
I rise
undaunted by past mistakes.

December 23, 1974
DR



REPRESENTATION BY COUNSEL

(The following article is a paper prepared by two lawyers , Allan S. Manson and David P. Cole, regarding the parole system in Canada. The paper was written by lawyers to explain the parole system to other lawyers. We are reprinting it here in the hope that it may answer some questions for our readers both within and without the institution.)

Since October 15th, 1977, most of the provisions of the Criminal Law Amendment Act, 1977, Statutes of Canada 1976-77, chapter 53 (commonly known as Bill C-51) which affect prisoners in penitentiaries and parolees from federal institutions have been proclaimed in force. Procedural and substantive changes have created an expanded, yet still limited, role for counsel. Although Parliament may have intended to rationalize the statutory framework of the parole and penitentiary systems, the new legislation and the regulations which flow from it created a set of complicated rules which may produce confusion, false expectations and anxiety. Defence counsel must be prepared to perform an advisory function after sentencing because, from the client's perspective, the criminal justice process does not end with an endorsement on an indictment. Furthermore , the many shades of interpretation applicable to a number of the new provisions raise litigious issues which beg for the attention of the skills and experience which exist amongst members of the criminal bar. This article is intended to provide a basic introduction to this complex and significant stage of the criminal process.

1. What does parole really mean?

The amended Parole Act defines parole as the authority granted by the National Parole Board to an inmate to be at large during his term of imprisonment. Full parole is distinguishable from day parole, a more restrictive and temporary form of release which will be discussed in greater detail in the second part of this article. In the absence of a specific reference to day parole, the reader can assume that parole is used throughout to mean full parole. This explanation is necessary in light of the statutory definition found in the Parole Act which defines parole as including day parole.

The Act gives the Board exclusive jurisdiction and absolute discretion with respect to the granting or refusal to grant parole, thus precluding an argument that the decision-making function is a judicial or quasi-judicial one. The jurisdiction to grant parole extends to all inmates of federal institutions, as well as inmates of provincial institutions during a definite period of imprisonment, with the exception of those provinces who take advantage of section 5.1 of the Parole Act to establish their own Board of Parole exercising jurisdiction over provincial inmates. At present only Ontario and Quebec have taken steps to constitute provincial Boards.

If granted, a parole can be made subject to any terms and conditions which the Board deems advisable. History indicates that parole conditions can range from the common prohibitions against drinking, the use of non-medical drugs and association with various types of individuals, to matters as fundamental to an inmate's life as the place of residence during parole supervision and control over the disposition of personal funds. It is not surprising that one author has referred to parole as "permission to be slightly free."

2. When is an inmate eligible for parole ?

Parole eligibility is determined by the Parole Act Regulations, with the exception of individuals convicted of murder (see the Criminal Code, sections 669-674 for the provisions relating to first- and second-degree murder) and those who are subject to preventive detention pursuant to Part XXI of the Criminal Code. Although parole itself is characterized as a privilege bestowed in the Board's discretion, a review for the purpose of deciding whether to grant parole is available as of right commencing of the parole eligibility date. The case of Ford v. National Parole Board, (1977) 1 F.C. held that parole eligibility cannot be extended by subsequent amendments to the regulations but is determined by the regulations in force on the date of conviction. Hence, a search through pre-existing regulations may be necessary, particularly when considering long terms of imprisonment.

With respect to sentences other than life imprisonment, the eligibility period has remained unchanged since June 8, 1973. In these situations an inmate is eligible for full parole after serving one-third of his term of imprisonment or after the expiry of seven years from the date of conviction, whichever is earlier. Accordingly, an inmate sentenced to 15 years on January 1st, 1976, is eligible for full parole on January 1st, 1981; his co-accused sentenced to 30 years on the same date becomes eligible for full parole on January 1st, 1983. Counsel should take

note of the watershed date, June 8, 1973, because sentences imposed prior to that date give rise to earlier eligibility based on one-third of the term of imprisonment or four years, rather than seven.

Sentences of life imprisonment are treated differently depending on whether the sentence arises as a minimum punishment, as with murder convictions, or otherwise. A sentence of life imprisonment as a maximum punishment requires a seven year period before the inmate is eligible for parole. As indicated previously, since 1974 parole eligibility after murder convictions has been determined by the Criminal Code. (For the period January 1, 1974 to July 26, 1976 see s. 218; thereafter see sections 669 to 674). Between 1968 and 1974 sentences of life as a minimum punishment resulted in a ten year eligibility period, whereas only seven years were required with respect to convictions arising prior to January 4th, 1968. It is an interesting anomaly of the criminal process that the calculation of full parole eligibility with respect to life sentences commences on the date of arrest and takes into account all time in custody between arrest and conviction.

Another special category exists of those in respect of whom a sentence of death was commuted to life imprisonment prior to January 1, 1974. Inmates in this group are eligible for parole after serving ten years with credit for time in custody between arrest and sentencing.

The recent regulations, which became effective on June 1, 1978, created a new category of eligibility in relation to offences which reflect a course of violent behaviour. An inmate who finds himself in this group will be eligible for full parole after serving one-half of his term of imprisonment or after the expiry of seven years, whichever is earlier, as compared to the usual one-third rule. The regulations define the kind of offences which may trigger a longer eligibility period as those which either "seriously endangered the life or safety of any person, or resulted in severe psychological damage to any person." This provision applies only to inmates sentenced to a term of five years for an offence of the type described above which is punishable by at least ten years imprisonment if the conviction occurred after June 1, 1978 and if during the preceding 10 years, the inmate had completed a similar sentence for an offence which also involved violent conduct of the type described above. In other words, to be classified as a "violent conduct" offender for parole eligibility purposes, requires two convictions resulting in sentences of at least five years within a ten-year period calculated from the end of the first sentence to the commencement of the subsequent sentence, the conviction for which must occur after June 1st, 1978.

Although the creation of a "violent conduct" category may be an attempt to assuage public concern over recidivism by violent offenders, the mechanism does not conform with the degree of clarity and procedural fairness which one expects of the criminal justice system. Also one must question the deterrent utility of a little-known and ambiguous provision.

The criteria for determining whether conduct is violent are so broad and vague that they could include all convictions for robbery, break and enter, being unlawfully in a dwelling house, and trafficking in a narcotic as well as criminal negligence causing bodily harm, yet the offence of assault causing bodily harm is excluded because it is punishable by a maximum of five years imprisonment. Moreover, the regulations provide no process for determining whether conduct is violent and do not even specify the decision-maker. Although one might accept the discretionary context of parole granting, surely the question of an inmate's eligibility for review should not also be a matter for the exercise of subjective judgment by unknown officials. This criticism is further supported by the decision of Mr. Justice Walsh in the Ford case in which he indicated that a parole review is available as of right in accordance with the regulations in force on the date of conviction. One cannot ignore the dramatic comparison between the skeletal framework of the newly-established discretion to extend parole eligibility and the procedural safeguards which circumscribe the trial and sentencing process.

3. To what extent can an inmate or counsel participate in the parole review?

Section 9 of the recently amended Parole Act includes enabling provisions which specifically allow for regulations prescribing the circumstances in which an inmate is entitled to a hearing, the information to be supplied to the inmate and the circumstances in which an inmate is entitled to assistance at the hearing. However, the regulations which have in fact been published disappoint those who anticipated a more progressive approach.

The parole review is conducted by hearing, unless the inmate requests in writing that it be effected without a hearing. The inmate should receive all material in the possession of the Board at least fifteen days before the review date, subject to the Board's discretion not to release information contained in documents prepared before June 1st, 1978 and material which falls within the categories prescribed in sections 54(a) to (g) of the Canadian Human Rights Act,

Statutes of Canada 1976-77, ch. 33. The regulations do not provide for the attendance of counsel at parole hearings. Attempts by counsel in the past few months to secure a right of participation in individual cases have been politely denied.

Although Section 11 of the Parole Act provides that the Board is not required to personally interview an inmate applicant, subject to the regulations, and although the regulations do not specifically provide for personal attendances, it appears that the right to a hearing has been interpreted as including the right to attend personally.

4. Is there any role left for counsel to play at the parole granting stage ?

The traditional advocacy and organizational skills of the lawyer can be of great assistance particularly to the inarticulate inmate. The Board will consider not only the applicant's past but also his plans for the future. Such plans should have a concrete and realistic tenor. The Board will always receive supportive material and lawyers can utilize their skills and community contacts in this regard.

It is also prudent to suggest that an inmate apply for release of his penitentiary and parole files pursuant to the provisions of Part IV of the Canadian Human Rights Act. Although most delicate matters are exempted from release, such as psychiatric reports, some documents may come to light which contain erroneous, yet refutable, allegations of an adverse nature. The isolation which arises as a natural incident of confinement can make it impossible for an inmate to contact and request assistance from those who might set the record straight. Again, the intervention of counsel can be invaluable to an inmate in these circumstances.

5. If parole is denied, can an inmate appeal ?

If the Board decides not to grant full parole, the inmate should receive written reasons within fifteen days of the decision. Thereafter, the inmate is entitled to request a further review so long as the request is made within thirty days of the date of notification. The further review is carried out by Board members who did not participate in the previous decision and consists of a "re-examination" of all material relied upon in the original review, as well as any further material tendered by the applicant. This internal review is the only formal mechanism which exists and it is essentially a de novo procedure. If the original decision to deny parole is not reversed as a result of the "re-examination", the inmate will not be eligible for a further review until two years have passed since his first full parole eligibility date.

Since the new regulations provide for the rudiments of a fair hearing, it may be that procedural errors are amendable to some form of judicial review, the applicability of which was not previously available. In this regard, one must be cautioned about the jurisdictional difficulties presented by the Federal Court Act which have, to date, operated to deny inmate litigants a remedy in cases raising procedural fairness arguments. (see Howarth v. National Parole Board (1974), 18 C.C.C. (2d) 385 (S.C.C.); Martineau and Butters v. Matsqui Institution Inmate Disciplinary Board (1977), 33 C.C.C. (2d) 366 (S.C.C.) and Martineau v. Matsqui Institution Disciplinary Board (No. 2) (1978), 40 C.C.C. (2d) 325 (Fed. C.A.).

6. Can an inmate refuse parole ?

A parole is often made subject to a number of conditions which the Board "considers desirable". If the conditions do not appear to be ones with which an inmate can live, he or she should seriously consider refusing the parole, which one is entitled to do. In light of the serious consequences which flow from the revocation of parole (to be discussed in the second part of this article) an inmate would be wise not to place himself under the burden of unrealistic conditions.

Although it may be difficult to persuade your client that he or she should remain in confinement, there is little merit in a hasty acceptance of parole. Counsel should make overtures to the Board in an attempt to negotiate a more palatable arrangement. The thrust of counsel's approach should be the common interest in ensuring a successful re-integration into the community rather than precipitating further problems.

7. When does a parole end ?

An inmate on full parole is not liable to imprisonment so long as the parole is not suspended or revoked, the available sanctions which will receive greater attention later in this article. In theory, upon accepting parole an inmate exchanges the remission standing to his credit for the privilege of

remaining at liberty, subject to conditions, prior to the expiry of his term of imprisonment and prior to his mandatory supervision date. Accordingly the parole does not end until the warrant expiry date. In other words, the parole continues in effect even though the only remaining part of an inmate's sentence is remission, whether statutory or earned. For example, a five year sentence arising from a January 1st, 1975 conviction gives rise to a warrant expiry date of December 31, 1979, unless his parole is revoked prior to that date. The total time spent in custody plus the time spent on the street on parole will equal the length of the sentence in the ordinary case without regard to remission.

8. What is mandatory supervision ?

Mandatory supervision, for any person sentenced to penitentiary after October 1st, 1970, consists of that period of time which a prisoner must continue to serve under the supervision of a parole officer while on the street, and equals the amount of remission which the inmate has earned or been granted by statute. Assuming that all possible remission is earned by the prisoner while serving sentence, the mandatory supervision release period will generally amount to approximately one-third of the total sentence. The law and procedure governing persons on mandatory supervision are virtually identical with those applicable to persons on parole, although it may be arguable that the two concepts are distinct because an inmate is entitled to release on mandatory supervision as of right whereas parole is a discretionary status. Mandatory supervision only applies when the total amount of remission exceeds sixty days.

9. Is it possible for a prisoner to decline mandatory supervision ?

It is possible for a prisoner to decline to come out on mandatory supervision. It may be advantageous for prisoners close to the end of their sentence, and in particular those who seem to be subject to repeated revocation, to refuse to come out on mandatory supervision until they have less than sixty days in total remaining of their sentence. This is because if the period of time remaining to be served is less than sixty days, the person is not subject to mandatory supervision.

10. What is a parole or mandatory supervision certificate ?

When a prisoner is released on parole, he or she is compelled to sign a document acknowledging his or her understanding of the conditions of release and agreement to be bound by them. A person released on mandatory supervision is expected, but not required, to sign such document.

11. What happens upon suspension of parole or mandatory supervision ?

A warrant, called a warrant of Suspension Upon Apprehension, is issued for the arrest of the inmate. When the warrant is executed the inmate remains in custody until the parole or mandatory supervision is revoked or the suspension warrant is cancelled. There is no longer any requirement to take a person under suspension before a Magistrate.

... If the warrant is not executed within sixty days for its issuance, the Parole Board may issue a revocation warrant. In any case, where suspension warrants are issued or are still outstanding three weeks prior to the parole expiry date, on the Board may make the decision to cancel the suspension or revoke the parole. If an unexecuted revocation warrant is still outstanding and your client has been fortunate enough to evade the clutches of the Board, it may well be that the revocation warrant has been withdrawn. If the remnant of the sentence was one year or less at the time the warrant was issued, an unexpected revocation warrant may be withdrawn after three years. If the remnant at the time was greater than one year, the waiting period is five years. If the warrant is executed when the prisoner has a very short period of time remaining to be served, it is our experience that the Board may simply cancel such warrants.

12. Are defects on the face of the suspension warrants open to attack?

Standard-form warrants are used in the Board. Copies are lodged with the keeper of the jails and are available to counsel. If the person who signed the warrant occupied a position below that of District Director in the National Parole Service the warrant may be subject to attack on the basis of lack of jurisdiction in the person who purported to issue the warrant. (Regina v. Robidoux (No. 2), an unreported decision of Goodman, J. August 8th, 1978).

An argument has been made that since the warrant speaks of a person being held in custody "until he is dealt with further pursuant to s. 16 of the Parole Act",

when a case is referred to the Board pursuant to section 16 (3), the force of the warrant is spent. This argument was accepted in R. v. Robidoux (No. 1), an unreported decision of Osler J., February 14th, 1978, but was rejected by O'Driscoll J. in R. v. Batz, unreported, June 6th, 1978 and by Goodman J. in R. v. Robidoux (No. 2) referred to above. No Court of Appeals has yet pronounced on this point.

If counsel are sufficiently imaginative to formulate arguments based on a defect apparent on the face of the warrant of suspension, it is crucial that a habeas corpus application be commenced before a revocation is effected, as it now seems clear that a subsequent revocation will cure any defects in the original suspension warrant. See : (Ex Patte Collins (1976) 30 C.C.C. (2nd) 460 (O.H.C.)); Re Grabina and the Queen (1977) 34 C.C.C. (2nd) 52 (O.H.C.)

13! Can there be a bail hearing if the parolee is under suspension?

If an information is before a court for the purpose of commencing a bail hearing on a new charge, it may be argued that here is no jurisdiction to hold a hearing as the accused is a person "detained in custody in respect of any other matter" as described in the Criminal Code, section 457(1) (see R. v. Tabish (1978) 37 C.C.C. (2nd) 363 and cases cited therein). It should be noted, however, that it may be prudent to attempt to have bail set in the event that the suspension is cancelled. Although the Parole Board does not formally consider the question of bail in its decision-making, one can never discount the utility of a Submission to the Board which points out that a court is content that an accused be at large pending trial, particularly if the new offence precipitated the suspension in question. To challenge the decision in Tabish counsel might submit that the accused to be required at the stage to answer the Crown's showing. As he would not be in a position to adduce relevant and persuasive evidence regarding his plans, employment, residence and roots in the community. Accordingly, the plight of a suspended parolee can be distinguished as he or she, having been on the streets, could adduce evidence with respect to those matters ordinarily relevant to the consideration of bail.

Internalparole service guidelines indicate that parole or mandatory supervision should not be suspended simply because a charge has been laid. Nevertheless, if elements of the charge are "strongly indicative" of criminal involvement suspension warrants are generally issued. Obviously, the presumption of innocence is not an integral factor in the parole decision-making.

14. What happens after suspension?

Pursuant to the new Regulations proclaimed in force on July 1st, 1978, any federal inmate whose parole or mandatory supervision has been suspended, must be given the opportunity of having a post-suspension hearing before the Board. Provincial inmates released on national parole can put their case before their parole officer, who refers the matter to the Board, but they have no absolute right to an in-person hearing before the Board members. Within ten days from the date of suspension warrant the prisoner will be interviewed by a member of the National Parole Service (not necessarily his or her own parole officer) and his or her version of the facts will be taken down and forwarded to the Parole Officer in charge of the individuals case. At the same time, post-suspension hearing request forms are given to the prisoner and the procedure is explained.

During the first 14 days of the suspension period, either one of two decisions must be made. On the one hand, the parole service may choose to cancel the suspension. This procedure is often used to dry out an alcoholic or the threatening of an individual with the potential consequences of continued breaches of conditions. On the other hand, the parole officer may decide to refer the case to the Board for further study and decision. Only the Board may revoke; the parole officer or local District Director has no power to do so.

Once the case has been referred to the Board for further study and decision the prisoner is notified by mail that this procedure has been adopted. If the suspension warrant is cancelled, the keeper of the jail is notified and the prisoner is either released or is eligible for a bail hearing if other charges are pending. This, of course, is subject to the earlier comments about the Tabish case.

Once the referral has been made, revocation cannot occur until 15 days after the referral has been received by the Board. If the prisoner has applied for a post-suspension hearing, revocation cannot take place until after the hearing has been held. The prisoner must be given at least 14 days notice of the hearing. Unfortunately there are no further time limits specified in the legislation, so the Board could conceivably sit on such an application for a post-suspension hearing for any period of time it deems fit. In such a situation, counsel may consider mandamus, if issued, would only compel the Board to decide and not to relate to the manner in which the Board eventually exercised its discretion. Hence, caution might indicate an informal rather than legalistic response to delays in order to avoid any antagonism which might result.

In Toronto the experience to date is that two members of the Board come to

hold post-suspension hearings once a month. However, at the present time ~~time~~ the number of people applying for such hearings is so great that some prisoners who elect to have a hearing are forced to wait about two months before the hearing can be held. A case testing the legality of such extensive delay is currently before the courts.

At the conclusion of the hearing the Board may either cancel the suspension or order the revocation of the prisoner's parole. Decisions are usually given orally at the hearing in the prisoner's presence. If a revocation order is made the prisoners must be notified within 15 days. Whether a decision can be deferred by the Board, for example until criminal charges have been disposed of, is a yet unclear, although the Board has started to do this in some cases.

15. What happens if the prisoner doesn't request a post-suspension hearing?

Once the Board has received a written waiver of the right to such a hearing, the matter will be decided on the basis of the contents of the prisoner institutional record, reports from the parole officer and any other information placed before it.

There may be a certain circumstances in which it may be in the prisoners interest not to have a post-suspension hearing. For example, in the case of a prisoner on mandatory suspension it may well be that the best thing that can happen is that the prisoner is revoked as soon as possible, since remission credits granted upon recommitment may result in his or her immediate release. The effects of revocation as it relates to the term of imprisonment will be discussed later.

16. What can be done if a referral is not made to the Board within fourteen days?

The language of section 16 (3) of the amended Parole Act imposes a mandatory burden of the individual who issued the suspension warrant to "review the case and, within fourteen days after the recommitment or such shorter periods as may be directed by the Board, either cancel the suspension or refer the case to the Board." The procedure established by section 16 was explained by Mr. Justice Goodman in Grabina as giving to the inmate "certain rights which guarantee to him an expeditious procedure for the cancellation of his suspension or review of his case before the Board itself." Accordingly, it was indicated in that case that a failure to comply with the procedural requirements of section 16 would result in unlawful detention and the inmate would be entitled to release upon a habeas corpus application.

It must be noted that the decision in Grabina and Collins support the authority of the Board to revoke parole or mandatory supervision notwithstanding a failure to comply with the section 16 procedure. Accordingly, a subsequent revocation cures any procedural defects in the suspension process. Counsel must move swiftly so that the habeas corpus application is heard prior to revocation.

Because habeas corpus is traditionally the remedy by which one determines the lawfulness of detention and because it relates essentially to the liberty of the subject, an application can be brought on quickly. It is necessary to prepare a Notice of Motion and an Affidavit deposed by the applicant which must be served on the goaler, the Attorney General of Ontario and the Deputy Attorney General of Canada. The application is made before a Judge of the Supreme Court of Ontario and can be heard in chambers or in court. Counsel will likely find that the Registrar are quite helpful in arranging a suitable date upon which to argue the motion once it is stressed that the application is for a writ of habeas corpus and applicable procedures, one should consult Letourneau, The Prerogative Writs in Canadian Criminal Law and Procedures (1976), Sharpe, The Law of Habeas Corpus (1976), and Cromwell, Habeas Corpus and Parole Commitments, (1976) 8 Ottawa Law Review 560.

Representation After Sentencing (Part 11)

In this segment, the authors continue their survey and discussion of the various mechanisms which face a prisoner as he passes through the penitentiary and parole process. In the first of the article, we had reached a consideration of suspension of parole or mandatory supervision pursuant to section 16 of the Parole Act.

17. Can Counsel appear at post-suspension hearings?

One might assume that the most obvious and appropriate manner in which counsel might participate in the parole process would be by appearing on behalf of a client at a post-suspension hearing. However, a consideration of parole is not enhanced by assumptions which flow from the traditional concept of the rule of the law. Neither the Act nor the regulations allow for the appearance of counsel on behalf of an inmate on parole or mandatory supervision. Section 9, the enabling section of the Parole Act, includes the specific power to make regulations "prescribing the circumstances in which an inmate is to be entitled to assistance at a hearing before

the Board, the kind and extent of such assistance and the person or class of persons who may provide the assistance". Although no such regulation has resulted, the optimists amongst us might view section 9 as a hopeful precursor.

In an extraordinary situation, the Board might invite counsel to attend along with the prisoner. However, in keeping with the inquisitorial rather than adversarial tenor of post-suspension hearing, no cross-examination would be premitted. Also, no transcript is made of the evidence considered at the hearing.

18. Is the parole office obliged to co-operate with counsel?

A further consequence of the enactment of the Criminal Law Amendment Act 1977, was the placement of parole officers who were members of the National Parole Service and its affiliated agencies under the control of the Canadian Correctional Service. The National Parole Board and its personnel have remained an independent body. The administrative amalgamation of the National Parole Service and Canadian Penitentiary Service into the Canadian Correctional Service may well have served to spread the mistrust of external scrutiny, and lawyers in particular, which has become a common characteristic of the penitentiary system. Accordingly, some parole officers have refused to co-operate with counsel. A less than helpful response from a parole officer, at the post-suspension stage, will likely leave you with only a Violation Report, the document by which the prisoner is informed in writing of the reasons for suspension. Unfortunately, these reports often include no more than phrases as communicative as "to prevent further breach of parole", "failure to co-operate" and "failure to work".

It is our experience that Parole Officers are, for the most part, conscientious about their responsibilities and many will be pleased to discuss a case in considerable detail. Many recognize that input from a counsel can be valuable particularly if a criminal charge has precipitated the suspension. Counsel may be able to present information which tends to contradict, or at least mitigate, the factual background provided by the police. In this extent, we must recognize that, on occasions, police officers charge persons of parole of mandatory supervision with offences solely in the hope that parole difficulties will ensue and that the prisoner will be returned to the penitentiary. Dubious efforts of this sort usually result in a subsequent withdrawal or dismissal of the charge often in somewhat mysterious circumstances.

In dealing with parole officers, it is suggested that counsel proceed cautiously and with discretion. The parole officer's report to the Board is likely the most crucial document in the decision-making process. Many parole officers view defence counsel as being concerned only with effecting the most favourable disposition of a particular charge while they, on the other hand, carry the burden of a broader, societal responsibility. Furthermore, it must also be remembered that the parole officer plays a dual and often contradictory role vis-a-vis a parolee, that is both "cop" and counsellor.

As has been mentioned earlier, parole material is one of the data banks available to an individual pursuant to Part IV of the Canadian Human Rights Act, S.C. 1976-77 chapter 33. As a result, some police and parole officer's reports may be obtained. However, from those few files which have been examined by the authors, it appears that most reports of the sort are deemed to be exempt from release. Also, the time required to process an application is probably too long to be of any use at this time.

19. What happens upon revocation?

After the decision to revoke has been made, a warrant entitled "Warrant of Recommitment Upon Revocation of Parole" is issued and executed which results in the transfer of the prisoner to the Regional Reception Centre at Kingston. The prisoner then resumes serving the unexpired portion of his or her sentence, the computation of which will be discussed later.

A source of continuing concern for many prisoners is the difficulty in obtaining at an early date the re-computation of the term of imprisonment which must be served. The penitentiary authorities take the position that the term of imprisonment cannot be re-computed until the prisoner is actually returned to the penitentiary system. Problems occur when the prisoner would be entitled to immediate release upon re-computation as a result of accumulated remission. For example, an inmate who, upon revocation, is facing a term of 100 days but has 100 days of earned remission standing to his or her credit is entitled to immediate release from close custody on mandatory supervision. Accordingly, an inmate in this situation who is revoked while incarcerated in Toronto must be transferred to Kingston to await official re-computation even though all concerned know that immediate release will be the result. Such prisoners are commonly known as "turn-arounds" or "yo-yos".

This seemingly wasteful procedure may have been justified prior to the repeal of section 22(1) of the Penitentiary Act on July 1st, 1978, because

that section provided that the granting of statutory remission on the new revocation term took place upon reception into the penitentiary. At present, statutory remission is no longer available. However, the penitentiary authorities have continued to construe strictly section 20(1) of the Parole Act which states that "upon revocation of his parole, an inmate shall be recommitted to the place of confinement from which he was allowed to go and remain at large at the time the parole was granted". Hence, a perfunctory return to Kingston is required.

When acting for a "turn-around" client, it is usual, and understandably so, for counsel to receive an impatient message asking when the return to Kingston and subsequent re-computation will take place. There is often little that a lawyer can do in these circumstances. The parole officials will say that their authority ended when the revocation warrant was issued and executed. The bailiff who arranges transportation may be sympathetic but may not have sufficient personnel at his disposal to execute the transfer. The Canadian Corrections Service will likely move, as with most matters, at a pace roughly comparable to an arthritic snail. If the delay appears to be unreasonable, it may be necessary to contact one of the Legal Advisers to the Solicitor General, either directly or through counsel for the Department of Justice, to explain why the initiation of a habeas corpus application is expedient. The effect of such an announcement will usually be a concerted effort to arrange the transfer forthwith.

20. Can a revocation decision be appealed ?

Within fifteen days of the decision to revoke, the Board is required by the Regulations to provide the inmate with written reasons. Thereafter, the inmate has thirty days to invoke a "re-examination" process. This mechanism is identical in structure to the review available after a decision denying parole which was discussed in paragraph 5 of part 1 of this article.

With respect to a subsequent judicial review, two avenues have been canvassed and apparently foreclosed by the Supreme Court of Canada. In Howarth v. National Parole Board (1974), 18 C.C.C. (2d) 385, the applicant sought relief pursuant to section 28 of the Federal Court Act on what was basically a natural justice argument, coupled with the "duty to act fairly" concept as articulated in Ridge v. Baldwin, (1963) 2 All E.R. 66 (H.L.). The majority of the Supreme Court denied relief essentially by holding that the National Parole Board was not required to act judicially or quasi-judicially and, therefore, was not amenable to the review remedy of section 28. The case of Mitchell v. The Queen, (1975), 24 C.C.C. (2d) 241 resulted in the denial of a habeas corpus application brought primarily on the basis of alleged breaches of section 2 (c) (i) and 2(e) of the Bill of Rights. The majority decision dismissing the appeal consisted of an amalgam in which four judges decided that they were precluded from considering the affidavit material and two judges concluded that the Parole Board, having been characterized as administrative in nature, could not be the subject of a Bill of Rights challenge. These judgments have been exposed to critical analysis by a number of respected authors and we do not choose to burden the reader with comments more capably raised elsewhere (see Price, Doing Justice to Corrections ?, (1977) 3 Queen's L.J. 214; Mullan, Fairness ; The New Natural Justice ?, (1975) 25 v. of T.L.J. 281 ; Wright, Judicial Review of Parole Suspension and Revocation, 18 Crim. L.Q. 435). However, creative counsel may wish to consider certain aspects of Howarth and Mitchell, particularly now that the constitution of the Supreme Court of Canada has changed:

- (a) The recent introduction into parole process of some sort of mandatory procedural fairness may permit a re-consideration of Howarth. The issue regarding the jurisdiction to review pursuant to section 28 of the Federal Court Act can be put, arguably, in the context of a functional examination of the particular decision-making process rather than a generalized characterization of the tribunal according to traditional standards. Specific wording of the limitation on the power to review and set aside found in section 28 seems to support this position in that it excludes "a decision or order of an administrative nature not required by law to be made on a judicial or quasi-judicial basis". Accordingly, it can be argued that the new regulations require a revocation decision to be made on a quasi-judicial basis as evidenced by the applicable procedures which bear a strong resemblance to the commonly accepted natural justice requirements.
- (b) Underlying the majority position in Mitchell is the proposition, accepted without criticism, that an administrative function is not subject to the parameters of the Bill of Rights. This follows from the judgment of Mr. Justice Spence in Ex Parte McCaud, (1965) 1 C.C.C. 168; (affirmed (1965) 1 C.C.C. 170) in which the statement was first made without authority and with no critical discussion. Furthermore Mr. Justice Spence seems to have recanted from the McCaud ruling in his dissent in Mitchell, he premised his remarks on changes in the Parole Act and the resulting change in consequences upon revocation.

- (c) Implicit in Howarth is the conclusion that the Board, if not required to act judicially or quasi-judicially, must still act fairly. The search for a remedy by which one can secure fair treatment still continues. An application for leave to appeal to the Supreme Court of Canada in Martineau v. Matsqui Disciplinary Board (No. 2) will be argued on October 3rd, 1978. Counsel should not be inhibited from considering, and pursuing, such remedies as declaratory and injunctive relief in the Trial Division of the Federal Court. (See Mullan, Martineau and Butters; Its Potential Impact on the Jurisdiction of the Trial Division of the Federal Court, (1978) 24 McGill L.J. 92.)

21. How are sentences re-computed following a revocation ?

To accurately compute a sentence, one must obtain all relevant warrants and then subject them to the mysterious, and often obtuse, machinations of the Parole Act, and Criminal Code, modified by a number of judicial decisions, reported and unreported. This exercise is only attractive to those with severe masochistic tendencies. In order to satisfy such aberrant interests without encouraging over-indulgence, the following discussion is a simplistic one, not intended to cover all aspects of sentence calculation.

The term of imprisonment to be served upon revocation is determined by section 20 (2) of the Parole Act which was proclaimed in force on October 15th, 1977. It reads as follows;

- 20 (2) Subject to subsection (3), when any parole is revoked, the paroled inmate shall serve the portion of his term of imprisonment that remained unexpired at the time he was granted parole, including statutory and earned remission, less
- (a) Any time spent on parole after the coming into force of this subsection;
 - (b) any time during which the parole was suspended and he was in custody;
 - (c) any remission earned after the coming into force of this subsection and applicable to a period during which his parole was suspended and he was in custody; and
 - (d) any earned remission that stood to his credit upon the coming into force of this subsection.

It is through the operation of this provision that inmates suffer the loss of all statutory remission previously credited to them. To clarify this arithmetical puzzle, it can be said that section 20 (2) determines the revocation term by taking the unexpired portion of the sentence, without giving credit for any remission, and then deducting from this figure the credits stipulated in paragraphs (a) to (d). The most radical change reflected by the new provision is the credit for time spent on the street while on parole or mandatory supervision, but only from and after October 15th, 1977. The other credits consist of time spent in custody on suspension, earned remission while in custody on suspension and a re-credit of old earned remission.

The following example illustrates the basic method by which a re-computation is done;

FACTS: October 15, 1976 - Sentence of 3 years (1095 days)
 - Credit of statutory remission
 of 274 days pursuant to s. 24(1) of the
 Penitentiary act.

October 15, 1977 - Paroled, after serving 365 days
and earning 36 days of earned
remission pursuant to s. 24(1) of the
Penitentiary act.

October 1, 1978 - parole suspended and taken into custody

October 1st, 1978 - parole revoked

NEW TERM PURSUANT TO SECTION 20, PAROLE ACT

Remanet (unexpired portion of total sentence less days served prior to release)

730 days
(1095-365)

Less: Street time
(Oct. 15/77 to Oct. 1/78)

350 days

Suspension time	
(Oct. 1/78 to Oct. 15/78)	15 days
Remission on suspension	
(partial month under new regime)	7 days
Old earned remission	36 days
	<u>408 days</u>

New Term ; From Oct. 15/78	322 days
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Potential remission under new regime (1/3 of term)	<u>107 days</u>
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Days to be served if maximum remission is earned	215 days
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Potential Mandatory Supervision Release Date - May 17, 1978
(215 days from Oct. 15, 1978)

The scope of this article does not permit a more detailed discussion of sentence calculation. The exercise is rife with possible pitfalls, both picayune and substantial, and little could be achieved by pointing out selected problems while ignoring others. Furthermore, the recent amendments, and in particular the new earned remission regime, continue to present novel issues which were unforeseen prior to examining specific factual situations.

There are, however, some fundamental suggestions which can be offered to anyone who wishes to consider a calculation on behalf of a client. First it is necessary to obtain copies of all relevant warrants. This can be done by writing to the Sentence Administrator of the institution in which your client is incarcerated, enclosing an authorization signed by your client. At the same time, it is prudent to request a copy of the institution's calculation. If the inmate has not yet returned to Kingston, all documents can hopefully be found by contacting the Sentence Administrator at the Regional Headquarters of the Canadian Corrections Service in Kingston. Although Parole Officers can be helpful in estimating the length of a remission or the term to be served upon revocation, they are not always in possession of all relevant data.

Upon receiving the warrants, it is useful to proceed through the statutory provisions while examining the institution's calculation. A comparison of the calculation to the specific statutory authority may be persuasive that another more beneficial interpretation is available to the inmate. Do not hesitate to contact the Sentence Administrator in order to seek an explanation of the calculation. The Sentence Administrator acts according to rulings and guidelines received from Ottawa and exercises no independent discretion. However, it is essential to understand how the authorities have interpreted a provision before one can decide whether it is amenable to challenge.

22. HOW IS DAY PAROLE DIFFERENT FROM FULL PAROLE ?

The Parole Act defines day parole as a form of parole, "the terms and conditions of which require the inmate to whom it is granted to return to prison from time to time during the duration of such parole or to return to prison after a specified period". Day parole usually takes the form of pre-release programmes directed towards a particular object. A process of increasing community involvement can develop whereby a series of day paroles, with varying conditions, are granted. For example, the initial day parole might encompass spending afternoons or some afternoons, in a community in order to pursue a pre-determined purpose and to facilitate re-integration. Thereafter, barring difficulties, a further day parole may be granted allowing longer periods away from the institution which can be devoted to occupational or educational pursuits. The ultimate day parole would not require residence in a penitentiary although a "half-way house" might be stipulated, and would likely be for a term of three or four months which could be renewed pending full parole eligibility.

While on day parole, an inmate is "deemed to be continuing to serve his term of imprisonment in the place of confinement from which he was released on such parole" (section 13(1)). Since the revision of section 20 of the Parole Act in order to provide credit for "street time", the distinction created by section 13 (1) is not as significant with respect to full paroles and day paroles granted after October 15th, 1977. However, inmate on day parole is eligible to earn remission as a result of his deemed imprisonment and, given the kind of behaviour necessary to preserve a day parole, will usually earn all possible remission.

If parole can be described as "remission to be slightly free", then

day parole can qualify for characterization as "permission to be marginally free". This comment is made in light of the specific residence or employment conditions which are often attached to a day parole. Also by definition, a day parole exists for a fixed period of time, although a further day parole can be granted.

Eligibility for day parole arises prior to eligibility for full parole and is usually determined with reference to the full parole eligibility date. A prisoner serving a term of twelve years or more is eligible for day parole two years prior to his or her full parole eligibility, whereas someone serving between two and twelve years reaches day parole eligibility after serving one-sixth of the sentence or six months, whichever is greater. A term of imprisonment of less than two years is accompanied by day parole eligibility after one-sixth of the term. With respect to sentence of life imprisonment other than as a minimum punishment, the prisoner is eligible for day parole after serving five years. Terms of life imprisonment as a minimum punishment are categorized by the date upon which the sentence was handed down on the same basis as full parole eligibility and the day parole eligibility date is three years prior to the applicable full parole eligibility date. The same "three years prior to full parole eligibility" rule applies to inmates in respect to whom a sentence of death was commuted to life imprisonment before January 1st, 1974.

23. Can a day parole be prematurely ended?

A day parole is subject to at least one control mechanism which can result in termination of the day parole. Not surprisingly, the mechanism is known as "termination". The Board or a designated officer is empowered to terminate a day parole and to issue a warrant authorizing the apprehension and re-commitment of the inmate. A termination of a day parole carries with it no immediate consequences of a disciplinary nature or with respect to the term which the prisoner is serving. However, one cannot ignore the effect of a terminated day parole on subsequent applications to the parole board.

Prior to the amendments proclaimed in force on October 15th, 1977, it had been held by the Courts of Appeal of Ontario and Manitoba that a day parolee was not subject to the consequential loss of statutory remission pursuant to the revocation provisions which applied to an inmate on full parole. (see Ex Parte Carlson (1976), 26 C.C.C. 92d 65 (Ont. C.A.) and Regina v. Hales (1974), 18 C.C.C. (2d) 240 (Man. C.A.)). Immediately upon the proclamation of the Parole Act amendments on October 15th, 1977, the Parole Board began applying the revocation consequences found in section 20 to inmates on day parole. Quite understandably inmates on day parole were not pleased to learn that they faced consequences equal in severity to those on full parole, while not experiencing the same degree of freedom.

The Board's interpretation seems to flow from the change in the definition of parole to include day parole and also the wording of the revised section 20 which makes reference to "any parole". One might understand the desire to make the section 16 suspension provisions applicable to day parole in order that a day parolee could be apprehended and consulted prior to deciding whether to terminate or not. However, one must question the equity of applying the revocation consequences, that is the loss of all statutory remission or all remission earned under the new regime, to inmates who may only be away from the institution for part of a day. Of course, termination is always available if the Board does not wish a day parole to continue.

This issue was argued before the Ontario Court of Appeal in the case of In Re Agg, an unsuccessful appeal from the dismissal of a habeas corpus application, (an unreported judgment released on August 1st, 1978). The argument on behalf of the appellant pointed out that the decision in Carlson and Hales assumed that parole included day parole, even if the statutory definition did not specifically include it. Furthermore, it was contended that Parliament, in effecting a radical change beneficial to inmates by giving credit for street time in the revised section 20, could not have intended an equally radical but disadvantageous change to day parolees merely by use of the word "any".

The rigid application of section 20 to day paroles carries with it the absurd result that an inmate granted day parole on October 1st, 1977, but purportedly revoked on October 30th 1977 would receive no credit for the days between October 1st and October 15th because section 20 (2) (a) only provides credit for "street time" after the date the subsection came into force. This denial of credit results even though section 13 (1) deems that an inmate on day parole is continuing to serve his term of imprisonment in confinement and even though, prior to October 15th, 1977, an inmate received credit for every day on day parole, pursuant to section 13 (1). The Court of Appeal, however, was unpersuaded. It was content with the extended definition of "any parole", notwithstanding the substantial and questionable consequences which must necessarily flow from making day parole subject to the revocation mechanism.

The Agg issue will be placed before the Supreme Court of Canada in October in a case called Jackson. Perhaps the changed constitution of the Supreme Court will result in a position more favourable to the inmate litigant than has existed in the past.

24. What does the new earned remission regime mean to prisoners ?

A development which reflects the changing attitude towards corrections in Canada is the abandonment of the previous remission scheme whereby a prisoner was automatically credited with one-quarter of his or her sentence upon reception, known as statutory remission, with the ability to earn a further three days credit for each month served in confinement, known as earned remission. As of July 1st, 1978, the sections of the Penitentiary Act which provided for the granting of forfeiture of statutory remission (section 22) and the crediting or ~~re~~iting of earned remission (section 24) were repealed by sections 40 and 41 of the Criminal Law Amendment Act, 1977. In substitution, a new section 24 was proclaimed in force which established a new remission regime based entirely on earned remission, to be credited or denied in the discretion of the penitentiary authorities. Under the new regime, an inmate can earn 15 days remission for each thirty days that is served in confinement. Thirty days served can result in a total credit towards one's sentence of 45 days. Accordingly, the new earned remission regime permits earning credit for one-third of one's sentence. By comparison, the old regime which combined statutory remission (1/4 of the term of imprisonment) and earned remission (at 3 days per month) allowed for roughly the same maximum credit.

Can the new earned remission be lost ?

In the previous remission regime, only statutory remission was subject to forfeiture for disciplinary offences. Although a particular incident may have precluded the granting of the three-day allotment, once granted it could not be forfeited. In practice, earned remission was usually credited in a perfunctory fashion, with the exception of those months in which an event such as a disciplinary matter, or escape, including being unlawfully at large, took place. Apparently, the exercise of completing a discretionary assessment for each inmate on a monthly basis was impracticable and, hence, the three-day credit was usually earned, in the absence of extra-ordinary and easily ascertainable events.

The present section 24.1 of the Penitentiary Act subjects all of the new earned remission to possible forfeiture for disciplinary offences. However, a particular event cannot give rise to a forfeiture of more than thirty days without the concurrence of the Commissioner of Penitentiaries, and not more than ninety days without the concurrence of the Solicitor General.

It is also expected that the actual crediting of earned remission will no longer be done in a perfunctory manner. The increase from a possible three per month to fifteen days has precipitated the issuing of guidelines for the exercise of discretion and the establishment of internal mechanisms to deal with the administration of the new regime. Generally, remission will be allocated on the basis of 10 days in each month for participation in institutional programs and 5 days for conduct according to the rules of the institution.

The need to provide prisoners with comprehensive guidelines regarding the assessment procedure is apparent. Also, prisoners must be satisfied that the assessments are carried out in a uniform and fair manner. Otherwise, the injection of a further discretionary control mechanism into the institutional environment will likely become a further source of bitterness.

25. How is earned remission affected by a revocation of parole or mandatory supervision ?

Upon revocation, a re-credit of old earned remission occurs, as provided by section 20 (2) (d) of the Parole Act. This evolved from the prior regime in which an inmate could earn three days remission per month in addition to his or her statutory remission. Although statutory remission could be forfeited for disciplinary offences, earned remission was cast in a different light and could not be lost. Hence, the previous section 24(2) of the Penitentiary Act (repealed as of July 1st, 1978) provided, upon revocation or forfeiture of parole, a re-credit of all earned remission standing to the inmate's credit upon release on parole or mandatory supervision. It appears that the present section 20 (2) (d) was intended to continue the position that earned remission in the old regime could not be lost and, upon revocation, would be used as a credit in the revocation re-computation.

Unfortunately, the amendments included in the Criminal Law Amendment Act, 1977 were not all proclaimed in force at the same time. Although section

20 of the Parole Act became operative on October 15th, 1977, the new earned remission regime contained in the Penitentiary Act was not proclaimed in force until July 1st, 1978. Accordingly, section 20 (2) (d) creates, strictly speaking, a gap with respect to a parolee who earned remission prior to release under the old regime between October 15th, 1977 and July 1st, 1978. It is hoped that the authorities can see their way to resolve this apparent error, either by using section 24 (2) of the Penitentiary Act, not repealed until July 1st, 1978, or, alternatively, the discretionary power now given to the Parole Board under section 20 (3) to restore remission.

Remission earned under the new regime is entirely forfeited upon a revocation of parole or mandatory supervision. This forfeiture results from the operation of section 20 (2) of the Parole Act which, upon revocation, compels service of the portion of an inmate's sentence which was unexpired on the date of release, including statutory remission or earned remission, but less the credits specified in paragraphs (a) to (d) of that section. Keeping in mind the gap discussed above, the credits only refer to earned remission which was credited under the old regime.

The recent amendments do, however, provide a mechanism which can be used to ameliorate the inequity of absolute forfeiture of remission. Section 20 (3) of the Parole Act gives the Parole Board the power to restore any, or even all, remission which stood to an inmate's credit at the time of release on parole or mandatory supervision. It should be noted that, at present, it is the Board's policy that applications for the restoration of remission should be made within thirty days of being notified of a revocation.

26. How does the new remission regime affect inmates already in penitentiary?

Section 24.2 of the Penitentiary Act, proclaimed in force on July 1st, 1978, establishes a transitional provision which is intended to bring all prisoners already in the penitentiary system within the operation of the new earned remission regime. The transitional provision determines the maximum remission which can be earned under the new regime by subtracting from one-third of the sentence the sum of all statutory remission which the inmate "was at any time credited" in respect of the term he is then serving, and the amount of earned remission which stood to the inmate's credit on July 1st, 1978. It must be noted that the amount of statutory remission used in this calculation is not the amount which actually stood to the inmate's credit on July 1st, 1978, but the total amount with which he may have been credited during the particular term of imprisonment. Accordingly, for the purpose of this calculation, forfeited statutory remission is treated as if it is still a credit.

A simple example will illustrate the calculation more clearly. If we assume an inmate serving a 1000 day sentence who, on July 1st, 1978, had 50 days of earned remission standing to his credit, we can conclude that he or she is entitled to earn 33 days under the new regime, regardless of whether any of the statutory remission has been forfeited or not.

$$(1/3 \times 1000) - (\text{Statutory Remission } (1/3 \times 1000 = 250) + \text{plus Earned Remission } (50)$$

$= 333 - 300$

$= 33 \text{ days}$

The application of section 24.2 of the Penitentiary Act presents substantial difficulties with respect to revocations of parole or mandatory supervision. Some of these issues have already been litigated by way of habeas corpus applications but, although two were successful, have not given rise to judicial discussions of the scope and operation of section 24.2. The case of Cunningham resulted in a consent order for discharge of the prisoner based on the position that a revocation prior to July 1st, 1978, attracted a credit of statutory remission pursuant to s. 22 (1) of the Penitentiary Act then in force, even though the inmate was not received into penitentiary until after July 1st, 1978. An application for habeas corpus brought on behalf of an inmate Thord was premised on the argument that the transitional provision, section 24.2 did not apply to a revocation effected after July 1st, 1978, because the inmate had not been "credited with statutory remission". Mr Justice Linden of the Supreme Court of Ontario granted the application without reasons, thus confirming that a revocation term commencing after July 1st, 1978, is governed entirely by the new regime, without reference to the transitional provision.

A concern which goes to the essence of the transitional provision and bears heavily on its application to revocations is the interpretation to be placed on the phrases "term of imprisonment he is then serving" and "sentence he is then serving". Both phrases could be construed as referring to the original sentence, or, alternatively, both might refer to the revocation term calculated pursuant to section 20 (2) of the Parole Act. The problem can be further complicated if one argued that the two phrases need not logically relate to the

same entity. All things considered, the³⁰ conflicting positions give rise to a number of arguments which can be premised on traditional grounds of statutory construction, previous interpretive decisions or an attempt to discern parliamentary intention within the larger context of the new remission regime and the new revocation calculation. Unfortunately, this is not an appropriate vehicle with which to discuss these highly technical matters. It is sufficient to note that the penitentiary authorities have decided to construe both phrases as meaning the original sentence. In other words, the elements of the transitional calculation refer to the length of the original sentence and statutory remission applicable to it, without regard to the subsequent revocation term.

27. When is a prisoner eligible for a temporary absence pass ?

For medical, humanitarian or rehabilitative reasons, a prisoner can apply for a temporary absence pass, either with or without escort. The authority to grant escorted passes rests with the director of an institution. The primary authority to grant unescorted passes has been given by section 26.1 of the Penitentiary Act to the Parole Board. The Board has in turn delegated the authority to grant unescorted passes with respect to inmates serving a term of five years or less back to the institutional director.

With respect to inmates received into penitentiary after June 1st, 1978, eligibility for an unescorted pass arises at the same time as day parole eligibility with the exception that no distinction is made between terms less than twelve years and those terms greater than twelve years. Both classifications are eligible for unescorted temporary absences after serving one-sixth of their sentence, or six months, whichever is greater. Inmates received into penitentiary before June 1st, 1978, are governed by pre-existing regulations which provided a six month waiting period for all inmates not serving life imprisonment or subject to preventive detention. An inmate serving a sentence of life imprisonment as a maximum punishment which commenced before June 1st, 1978, is eligible three years prior to his or her parole eligibility date. An inmate serving life as a minimum sentence commencing before January 1st, 1974 becomes eligible for an unescorted pass three years after the sentence commenced. Those sentenced between January 1st, 1974 and June 1st, 1978, are eligible on the same date as their day parole eligibility.

28. What happens to parole or mandatory supervision upon conviction for an offence committed while on the street ?

The mechanism of automatic forfeiture was repealed effective October 15, 1977. Prior to that date, section 17 (1) of the Parole Act provided that a conviction for an indictable offence punishable by two or more years imprisonment and allegedly committed while the inmate was on parole or on mandatory supervision resulted in the automatic forfeiture of the parole or mandatory supervision as of the date upon which the offence was allegedly committed. The consequences of forfeiture were similar in nature to those that followed revocation. Forfeiture did not depend on any judicial decision with respect to sentence, but took place by operation of law immediately upon the registration of a conviction.

At present, it is the published policy of the Parole Board that a conviction does not automatically precipitate a revocation. However, one cannot ignore the weight which would be given to a conviction as an indicator of unacceptable conduct or criminal involvement.

29. Will Legal Aid certificates be granted for advice to clients ?

The York County area has adopted a practice of issuing an initial parole advice certificate at the standard legal aid starvation rate. If proceedings beyond giving advice and attempting to find details of the computation of sentence or proving affidavit and other material for presentation to the Parole Board are required, an opinion letter must be submitted to the Area Director. This appears to be the practice in legal aid areas which contain within their boundaries prisons or penitentiaries.

30. Where do we go from here ?

This article has attempted to canvass a number of the more common sources of inquiries that counsel can reasonably expect to receive from inmate clients. The area of law may, at first blush, seem highly complex but that view emerges primarily as a result of lack of exposure to parole and penitentiary issues. Amongst the criminal bar, there is a growing minority of lawyers who are pursuing the kinds of legal problems that arise at the post-conviction stage and which flow either from the circumstances of confinement or from an individual's

status as an inmate. Many of those involved in correctional litigation would be most willing to discuss issues and provide the benefit of their experience. A further resource for consultation is the Correctional Law Project of the Faculty of Law of Queen's University in Kingston. As an integral factor in bringing the rule of law to prisoners, counsel must be prepared to extend their skills and creativity beyond the trial process.

ALAN S. MANSON

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DAVID P. COLE

The following examples were included with the report which ended above. They are examples of sentence calculations in various circumstances.

EXAMPLE A Calculation of Sentence given prior to July 1, 1978

Total sentence given June 1/78	600
Statutory Remission	-150
Serves June	-30
Old Earned Remission	-3
Balance as of July 1/78	<u>417</u>

Application of s. 7 of Prisons and Reformatories Act

Total Remissions possible	200 (1/3 of 600)
(a) Statutory Remission	-150
(b) Old Earned Remission	-3
Total amount of new Earned Remission	<u>47</u>

Example as of July 1st	417
serves July	-31
receives full E.R.	<u>-15</u>

Balance	371
serves August	-31
receives full E.R.	<u>-15</u>
balance	325
Serves September	-30
Receives full E.R.	<u>-15</u>
balance	280
serves October	-31
remainder of applicable E.R.	-2
balance	247
Serves November	<u>-30</u>
Balance	217

and so on

Projected release date April 4, 1979.

EXAMPLE B Calculation of sentence given after July 1/78

Total sentence	600 days
possible new Earned Remission	200 (1/3 of 600)

200 days remission will be given on a pro-rated monthly basis
(i.e. 15 days for every month served).

Projected release date August 4, 1979.

EXAMPLE C Calculation of sentence of National Parole Violators revoked after July 1/78

Facts

Total sentence	600 days
Statutory Remission	150
Days in custody	210
Old earned Remission on 210 days	21
Days on parole	100
Days on parole suspension	30
Old Earned Remission on suspension period	3
Parole revoked on July 1st.	

Application of s. 20 of Parole Act	
original sentence	600
days in custody	-210

balance	390
s. 20	
- (a) days on parole	- 100
- (b) days on suspension	- 30
- (c) E.R. on suspension	- 3
- (d) Old E.R.	- 21
	<u>236 days to serve on</u>
	<u>July 1/78</u>

Effect of Transitional Rules

s. 7 of Prisons and Reformatories Act

Total Remissions possible wqual 1/s of total sentence (1/3 of 600)	200
- (a) Stat. Remission on term of Remanet as of July 1/78 (section repealed)	0
- (b) Old E.R. (21 plus 3)	- 24
	<u>176</u>

Balance

Inmate has possibility of earning 176 days of new E.R. on balance. As his sentence is pro-rated he will not earn the entire 176 days

example July 1 balance	236	days
serves July	- 31	
receives full E.R.	- 15	
	<u>190</u>	
balance	190	
Serves August	- 31	
earns full E.R.	- 15	
	<u>144</u>	
balance	144	
serves Sept.	- 30	
receives full E.R.	- 15	
	<u>99</u>	
balance	99	
serves October	- 31	
receives full E.R.	- 15	
	<u>53</u>	
balance	53	
serves November	- 30	
receives full E.R.	- 15	
	<u>8</u>	
balance	8	
serves 5 days	- 5	
receives full E.R. on 5 days	- 3	
	<u>0</u>	

Release Date is December 5, 1978.

EXAMPLE D Calculation of Sentence of National Parole Violators revoked prior to July 1/78

Facts

same facts as in other example "C" except parole revoked June 30/78

Application of s. 20 of Parole Act has the same result - Inmate has a parole remanet of 236 days as of June 30/78. Inmate is given 59 days credit of statutory remission leaving a balance to serve of 177 days.

Effect of Transitional Rules

s. 7 of Prisons and Reformatories Act

Total Remissions possible equal 1/3 of sentence (1/3 of 600)	200	days
- (a) Stat Remission on Remanet	- 59	
- (b) Old E.R. (21 plus 3)	- 24	
	<u>117</u>	

Inmate has possibility of earning 117 days of new E.R. on balance, Again, as his remission will be pro-rated, he will not earn the entire 117 days.

June 30	balance	177	days
serves June 30		- 1	
serves July		- 31	
receives full E.R.		- 15	
	<u>balance</u>	<u>130</u>	
serves August		- 30	
receives full E.R.		- 15	
	<u>balance</u>	<u>84</u>	
serves Sept		- 30	
receives full E.R.		- 15	
	<u>balance</u>	<u>59</u>	

E.R. possible

- 13

To serve

26 days

Release Date October 26

Note the benefit to an inmate who was revoked one day before proclamation of the new sections.

EXAMPLE E Calculation of Sentence of Ontario Parole Violator paroled prior to June 20/78 revoked prior to July 1/78

Facts

Sentenced on Dec 1/77 to	600 days
in custody to June 18/78	200
On parole June 19/78	1
On suspension June 20-29/78	10
Parole revoked June 30/78	
Statutory Remission on Dec 1/78 sentence	150
Old E. R. from Dec. 77 - June 20/78	18
E.R. on suspension period	0

Effect of Grenier case released May 18/78

	600
Statutory Remission	- 150
Old E.R.	- 18
Days on Parole	- 1
Days on Suspension	- 10
Days in Custody	- 200
	<u>221</u>
balance	
To serve from June 30/78	= 221 days

Effect of s. 7 of Prisons and Reformatories Act.

Total Remission possible	200
Statutory Remission on Remanet	- 55
Old E.R.	- 18
	<u>127</u>
balance	

Inmate can receive a maximum 127 days of new E.R. from July 1/78 for every month served. As this is pro-rated, he will not receive the entire 127 days.

EXAMPLE F Calculation of Sentence of Ontario Parole Violator paroled after June 20/78 and revoked after July 1/78

Facts

sentenced in Dec 1/77 to	600	days
in custody to June 20/78	202	
on parole June 21	1	
On Suspension from June 22-30	9	
Parole revoked July 1		
Statutory Remission	150	
Old E.R.	18	
E.R. on suspension period	0	

Effect of s. 36 and 38 (3) of M.C.S. Act, 1978

	600	days
days in custody	- 202	
	<u>398</u>	
days on parole	- 1	
days on suspension	- 9	
remission on suspension	0	
	<u>388</u>	

Effect of s. 7 of Prisons and Reformatories Act

Total Remissions possible	200
Statutory Remission on remanet	
(section repealed July 1/78)	0
Old earned remission	- 18
	<u>182</u>

Inmate can receive up to 182 days of new E.R. on a pro-rated basis. Once again the entire 182 days will not be received.

34
The Escape

It was on a Wednesday evening,
When we left for exercise
Just like any other night
We expected no surprise.

When we returned to our cells,
We heard a window crash
An inmate made a great escape
By busting through some glass.

Of all the places to escape,
This inmate really showed
He picked a good place in the dome,
Right underneath their nose.

This inmate's name is Spud Doucette,
Who was serving 14 years
For crimes he has done that were no fun,
Now Doucette has no cares.

The night of his great escape,
The yard was full of guards.
They thought Doucette was on the roof,
So they sent their men to charge.

Doucette was gone just like a flash,
He was faster than a buck,
So all the inmates in the pen
Wished Spud, "the best of luck."

This was written by Bob Richards
in Dorchester when Spud "flew the coop"

Dreams

I sit here and dream,
About the times to come,
All the love and happiness.
I hope to have some.

With the bars on my window,
And the lock on my door,
It's my fault for being here.
I pulled a wee score.

It won't be long now,
Till I get out from here
And when I am released,
Will you still love me dear?

I hope with all my might,
That you'll still belong to me,
For my love for you goes deep;
Deeper than the deepest sea.

Dedicated to Pete Henderson: Wendy.

FOUR FORMER MOUNTIES HIRED TO INVESTIGATE INFORMATION COMPLAINTS

The federal privacy commission has hired four former RCMP officers as permanent investigators of complaints by citizens that the government is withholding personal information it keeps on them in various files.

The commission's first major investigation, scheduled to start today, involves hundreds of complaints by prisoners across the country about authorities delaying or withholding information in government files. These are files in the hands of prison officials, the Canadian penitentiary service, and the National Parole Board and other agencies under the solicitor-general's department.

The man assigned to investigate about the complaints is Marcel Cote, 45, who spent 20 years in the RCMP. He said that his experience with all levels of the criminal community makes him believe prisoners will not mind that he has the job.

Cote had worked in commercial and organized crime investigations, established a stock fraud information system in the 1960's and spent the last seven years as a top official with the Canadian Police Information Centre here.

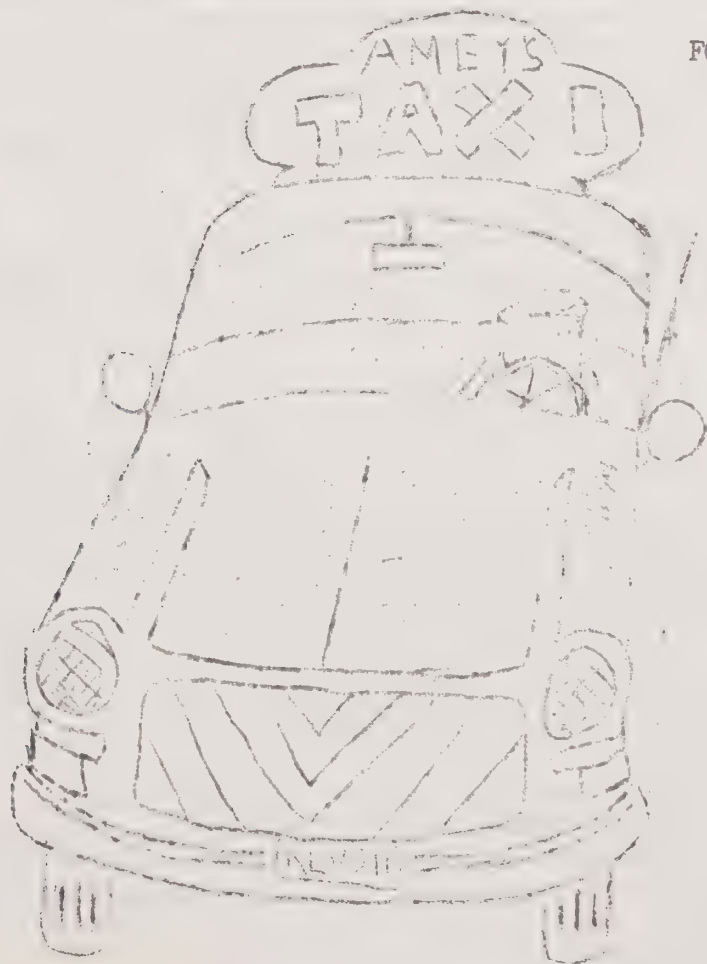
A correctional service spokesman said 35 officers are assigned to answer prisoners' questions. Since the law was enacted last March, prisoners have filed 10,467 requests.

George Hamelin, a 56-year-old with 30 years in the RCMP service, mostly in the air division as a pilot and air accident investigator, said the police investigator's experience permits them to get down to work with a minimum of training.

Herb Blake, 48, retired from the RCMP last spring after 28 years that took him across the country in work ranging from counter-espionage in the 50's to security service investigation organizing and government employee screening in the 70's.

Ray Stunden, 50, spent 26 years with the RCMP, starting in traffic control, later in criminal investigation, and finally in airport police and security.

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Recently there have been several articles about the John Howard Society, and the problems of wives, girlfriends and relatives of men serving time. As co-ordinator of the John Howard Society Women's Group in Hamilton, your wives and girlfriends often say things to me that they can't say to you, the inmate. I am sharing them with you, so that you can try to understand them as they try to understand you. The following questions and others are hashed and rehashed in our Women's Group in Hamilton.

"If I wait for him, will he stay on the street the next time?"

"Is he just using me for a good community assessment?"

Can he see and understand that I've changed—can he accept that I care for him, but am not the same?"

"How has he changed?"

"Why is he trying so hard to control me?"

"How can I help our children to understand?"

"What do I do about my loneliness?"

In the year that I've been co-ordinator for the group, I've developed an admiration for the members who pick up their lives and cope with all the responsibilities of living on the street, as well as trying to sort out their relationships with their men. As one woman put it, "We're getting punished too--we're doing time!"

These women want to find ways of dealing with their aloneness; "When I see a man and woman holding hands it hurts so much!" They seek support from each other in coping with their responsibilities, "He doesn't realize that I have no freedom either—the Mother's Allowance worker wanted to know how much money I had in my purse the last time I saw him." Another woman who just discovered her pregnancy, "the Mother's Allowance worker did everything except suggest abortion." "I was told they help with repairs—the worker suggested I move the furniture away from under the leak in the roof."

They want to understand you—they want to know more about life in an institution out of both curiosity and concern. As one woman put it, "I took the tour of the old Barton Street Jail—I had to see what kept him coming back."

Your demands that nothing change, that they run errands; see lawyers; talk to this person or that; visit; not visit; bring the kids; write every day are the powerlessness—but it's difficult to do all the things you want. "Sometimes I think he is trying to tell me to forget him—sometimes he does tell me—is it because he is afraid I'll leave him so he wants to do it first?" "He says he is in there because of me—I won't go for another appeal—doesn't he understand that I don't have any money?" "He seems to be just waiting for me to make a mistake so he can drop me." "If I don't go and see him, he'll get into trouble in there." "He tells me to do things to make his time easier—doesn't he realize I could get into his trouble?"

Communication is hard at the best of times—it is filtered through two different sets of emotions—but when you only have a few hours, perhaps once a month! Things said in anger are hard enough to forget, but how about a letter written in anger—it can be reread—and be so much more damaging.

When you feel excluded from your family, try to understand the growth they must go through to "do their time." When they don't come up to visit as often as you wish—remember that it's expensive and at least a fourteen hour day for a few hours with you.

Submitted by, Gabi Klimstra  
Women's Group Co-ordinator.

## A Profitable Mistake

Most of us have seen the "World's Heavyweight Championship Fight," between Leon Spinks, the reigning champ and Mohamid Alie, the former champion, then the challenger, a few Friday's ago which resulted in an Alie's victory.

A fight between the same two men on the night of 15 February 1978, had resulted in the reverse. Alie said after the defeat that his ego was not hurt, but he realized that he had made a big mistake by underestimating his challenger. "Did he?" "The man's word is there, he said it."

Of course most of us did not think so, but could only see his defeat. his being brought down, by a man with far less ability in his field. However, the result was there; it was recorded that Alie lost. He was no longer the heavyweight champion of the world, something many had been waiting for since 1964. And so it should be, shouldn't it? Well, in sports, I say, may the best man win.

"I had made a big mistake," the exchampion said, "by underestimating the challenger." Though it may have hurt a large number of people, the man in question first, it sure made some happy—why? Well, Cassius Clay, 'as this legendary champ was formerly known, the name he renounced when he say the light, had always been envied by millions but loved and even respected by many more. Isn't that how the world should be? Not too many of us won blue ribbons as children or in our youth, but most of those who did, certainly earned them. Clay, now Alie, was a symbol and still is. Was this the first time this superstar was defeated? Of course not! His first defeat came along in 1967 when he proved to the world and the U.S. Draft Board that he was made with a backbone and the guts to keep it standing up. At the stage of his career, the United States Government defeated him with a TKO in Texas.

Was that another mistake? On the part of the United States Government; that was the first mistake. And it might be safe to say they too have regreted it. An American business man launched a campaign to "draft that nigger." And the campaign received overwhelming support. In Texas, an U.S. Draft Officer said, "Mr. Cassius Clay, will you come forward and be inducted into the United States Army!?" "I have no quarrel with the Viet Congs," was his reply. He was arrested and a few days later sentenced to five years in prison. Did this young man who had the desire, a fire burning within him, the sparks which could only be seen by a few; did he allow this mistake to obscure his vision? To the dismay of many, the answer was NO; forty two months later and \$ $\frac{1}{4}$  million richer, Alie emerged from isolation with his gloves ready to make history. Did he? The evidences are there. He wrote his name unerasably on the pages of history books, thus profiting from their mistake.

"I have no quarrels with the Viet Congs!" Was that the first mistake of this young man in whom this unquenchable flame was burning? Or was it the first that came to light? You and I may never know, but whether it be his first, and the one on 15 February 1978, the last; it is evident he has profited from them all. How do you see your mistakes? Or haven't you made any? Perhaps someone has made one somewhere along the line of which you are the unfortunate victim; Can you profit from it or will you. Think about it.

Submitted by J. Allen.



Creative writings, poetry & promises.

The words written on the following pages were written by Dwight Gemby, whose nickname is the Gimper.

Thoughts for Today

Words: Words are like pictures - they express a thousand feelings - they need not to be in order to tell a story -

My mother calls me a dreamer - says I pretend Stay home - deny truth - but says this for good end -

She's strengthening me with sorrows for sorrowful food  
She sees the worse in me - and is rude -  
But sweet - I know you do it - for my own good -

Words: Simple as they may seem - they tell the story.

The Gimper.

Thought for Today

Life: Life is death.....life kills each of us in its own way, soon or late, quickly or slowly... pumps you full of " ideas " or " ideals " .....and then grinds the " ideals " to a fine powder.....however, we reach it.....the grave is our goal.

The Gimper.

Thoughts for Today

Patience: Patience means hanging in there, never lose self-control; abide by your feelings.....like.....hate.....love.....anger.....grief.....fear.....joy.....all forms of self-patience.....used the proper way, you understand patience, and will be in harmony with eternity.....

The Gimper.

Thoughts for Today

Greetings: Happy Birthday Tanya Toni.

Today you are 18, a young lady, in a fast moving world, a promiscuous young lady with insatiable needs.....to gain these needs, move fast and sure, never look back, what is behind you is old news. Create your own lifestyle, one must always know what one is.....do as you will, but always remember, fortune and misfortune, should be left to natural law.

What are clouds,  
But an excuse for the sky.  
What is life,  
But an escape from death.  
What is hate,  
But a form of love.

So, Tanya Toni, eighteen years today, smile, and the sun will always send the rays of warmth your way.

The Gimper.

Thought for Today

Words: The sky  
           scorched by the sun  
 Weeps  
           fecund tears  
 But the forest  
           wounded by the wind  
 Weeps  
           dead leaves  
 Why so wintry  
           summer's  
 yet to come  
           and the fall of  
 Glorious autumn.

The Gimper.

Thought for Today

Words: The night is finished, another day begins, spin the wheel,  
 release my locked up feelings.....5:30 a.m.....a tranquil-  
 ity of surrender approaches daybreak.....soft snowflakes  
 flutter gently to Mother Earth. Am I really a part of this  
 Society? If my eyes were to open would I disappear like a  
 flake of snow? I hear the key.....maybe it will go away.....  
 a voice.....time to go, snowflake, where are you.....

The Gimper.

Thought for Today

Words: Being self-educated - I find that to use the free language -  
 English - has me in a bind of sorts - because there are  
 variations upon variations, in one brief sentence; but not  
 being an intellect I can write as I feel - and be improper  
 in placing my words - by doing this - I can create something  
 from nothing - example -

In all the world - is like and unlike - like married to un-  
 like - equal and opposite - completing and complementing -  
 east there is and west - dawning there is and sunset - north  
 is there and south - heat is there and cold - being is there  
 and extinction - life and death - seeing and unseeing - seen  
 and unseen those who are vowed to the truth, must walk in the  
 midst of lies.....

The Gimper.

Thought for Today

Words: We are truly, products of form and substance of guilt. The  
 Totalitarian effect that causes the individual to suffer one  
 common penalty.....guilt,

Whether by nature, or by profession, we see guilty, by way  
 of a total lack of guilt, in essence, we may or may not feel,  
 but we most certainly are.....guilty.

The Gimper.



40  
Sask. Penny Blues

I could say I miss you,  
but that would never explain,  
the emptiness surrounding me,  
the longing and the pain.

I could say that I want you,  
but that would never describe,  
all the feelings I have within my heart,  
to have you by my side.

I could say I need you,  
but that would never tell,  
the sweet desire and tenderness,  
my soul has stored so well.

I could say I love you,  
and hope and will and pray,  
that you will find in these words,  
how much I mean to say.....

The Gimper.

Thoughts for Today

Words: Wild Flyer

-as spring slides to summer - birds of all sorts head back  
to the northern country, to bring in new life. Sitting  
here in the big yard - I happen to see a flock of geese  
heading for their nesting grounds and this came out of me.

-Spirits now winding - at full life's ending - as wild  
geese flying - not regretting, sighing, in trust advancing -  
through low clouds dancing - faint like stars glowing - to  
new lives going- passing and fleeting - sounds of wings  
beating - living, not dying - as wild geese flying -

The Gimper.

Thought for Today

Breeze: . . . . .Such a thought:

Who enters here do not lose hope.  
Who leaves do not rejoice.  
Who has not been will be here yet.  
Who has been here will not forget.

Memory keeps man alive, one needs food, clothes, water, air,  
but lonely men have gone mad, or killed themselves, even  
where they are warm enough and have enough to eat, a man in  
a dark room insulted and abused, by the few people he does  
encounter, so he doesn't see them as people anymore, a man  
like this needs a good memory to keep in touch with human  
beings who are somewhere else.....

The Gimper.

Thoughts for Today

Seasons:

-Spring has sprung - the grass risen - but here I sit - in  
this prison - typical of old sayings - yet so very true -  
another month has begun - only to see the same four walls  
blocking the view of the green grass - the fresh flowers -



## "HE'S ON PAROLE"

VIEW FROM THE BRIDGE, OGOPOGO????????????????

Ogopogo is alive and well. At least a former nonbeliever is convinced of this and he told the Capital News Tuesday afternoon of the experience which changed his mind.

Between seven minutes and five minutes to noon Tuesday Bill Steciuk, a 33 year-old Kelowna businessman, was heading into town from Westbank when he noticed something in the water. At first I just took a glance and thought nothing of it but then I took a second look and decided that it was something. I stopped the car right on the bridge and got out of the car. I am still stunned because whatever it was I saw has to have been OGOPOGO? Steciuk said. The object appeared on the south side of the bridge about 100 feet past the Chamber of Commerce Building and 100 yards offshore. I saw three distinct humps, all jet black, with the largest one in the middle. They appeared to be moving up and down like a snake... the entire body was moving very slowly towards Kelowna with what appeared to be a head, but of no distinct shape, appearing once in a while. I saw the body very well though and I know what I saw - I have seen nothing like it anywhere before. I've been here 10 years and never believed in it much. When my wife and I moved to Kelowna at first we thought it would be nice to see OGOPOGO but then after awhile we began to think it was a hox. I became a nonbeliever but after what I saw today I am a believer... you better believe I am. I know that I will get razzed for saying I saw OGOPOGO but I saw it. I am an avid fisherman and boater and I am aware of all the tricks that this lake can play in regards to wind, spray, waves and all the rest but this was something physical, something living. It was not a log, a swimmer, a scuba diver, boat or anything like that he said. Steciuk was very upset with himself in that he did not have his camera with him. I have a beautiful camera at home and I would have had the picture of a lifetime but I didn't have the thing in the car. I will probably never have a chance to see it again. According to Steciuk he watched OGOPOGO for about two or three minutes and then, because his car was causing a hazard to a lot of people on the bridge, he decided to move his car. When he got to the other side of the bridge and stopped, the creature had disappeared. A number of people slowed down but only a few stopped to look at Steciuk's discovery but Steciuk did not get their names. A lot of people may not believe me but that is fine because I know I saw it. Steciuk said. I went back to the office and of course I got laughed at but I think some of them believed me. My only problem though, of course, is the association that people place on people in my profession. You see I am a used car salesman.....



Steve G. Carr Harris (LL.B.) Chicago,  
 Member (Amnesty International).  
 Supreme Judge, Liars Club  
 International. Correspondent  
 with the Human Rights Division  
 of the United Nations for the  
 abolition of mandatory supervision.

Russia's Prisoner Exchange  
Treaty with Red China, raises  
some slant-eyed brows.

MOSCOW: - (Reuters) (A.P.) (C.P.) (U.P.I.) (C.I.A.) (F.B.I.) N.K.V.D.) (and  
 other International members of Freedom of the Press)!!!

That man in Moscow who was recently granted a parole by exception from the Soviet prison "Marx-Worth", "Comrade Canary Kripes", you might recall that "Kripes", was guaranteed a quick parole by exception, if he would testify for the State in a drug trial. Originally, "Kripes" had been sentenced to seven years." After serving about 16 months of that seven year sentence and testifying on behalf of the N.K.V.D. (Russia's Secret Police, Narc Division), the Soviet State for "Rehabilitative" reasons of their own, granted "Kripes" parole by exception.

Since his release, "Kripes" has been employed with "Pravda", the official Soviet news agency.

Note: - We should feel proud, as (Unified) Canadians, that our Parole Board has done away with parole by exception; besides, our Mounties, busy as they are testifying against one another at the MacDonald Inquiry, wouldn't support a flagrant abuse of our Parole System, as the Soviets did in the "Kripes" case. (or would they?).

In any event, the Prisoners Exchange Treaty between the Soviet and its partner nation, Red China, is creating all sorts of communist legal head aches on both sides, most of the problems revolve around false promises and con-shot incentives, which has left the exchanged prisoners wondering if those original promises and incentives wasn't just another communist bureaucratic hoax, perpetrated simply to put otherwise idle paper punchers to work, here are some of the grievances: -

1) The idea of the exchange was to re-unite prisoners with their families in their own countries. But, alas, the prisoners were not told anything about the other countries institutional rules, which prohibits the granting of temporary absence passes until a prisoner has served a minimum of six months in one of the receiving prisons. (Even if he happened to have served six years of a seven year sentence in the opposite country and had only eight months to serve in total anyway.)

2) Another bureaucratic blunder has shown up. In this one, prisoners who were convicted in the other country, following their convictions, were ordered deported, and that deportation order preceeded their agreements to become exchange prisoners. Now, since the order of deportation has not been completed, even tho' they are no longer within the country which made the order, the opposite countries 'Bureaucrats' are denying the prisoners certain benefits: As there is on the file, "Held For Deportation".

And the complaints are mounting: Rather than being exchange prisoners, they are becoming "Prisoners of misfortune".

This writer feels, that the Supreme Soviet and all its institutional empire builders, had better get their act together, because, once having been ordered deported, the country that made that order, under International Law, waived any further legal right to that Prisoner-Aliens Status, outside that country. Which of course would render that particular prisoner exchange treaty in certain cases, invalid, Ultra Vires, with no effect in law. Thus, the country receiving such a prisoner, who has previously been ordered deported, would have no right to continue imprisonment.

Neither the Soviet Union or the Red Chinese courts, could be expected

to render a fair judgment on such matters of Habeas Corpus. The exchanged prisoners would have to seek their remedies at the International Court in the Hague, in the Netherlands.

I don't think that any one is particularly anxious to knock a good thing, and no doubt a prisoners exchange program can become a very worthwhile, humanitarian exercise in International humanitarian and correctional co-operation; but those little regional Czars, had better take another look at their Regional Divisional and institutional rules.

Are you listening Mr. Kansas and Mr. State,

PEKING: (Red China) (Usual Sources of Subversive News Agency)

The Red Chinese are hopeful that a prisoners exchange treaty will soon be worked out between Moscow and Warsaw, rumours have it that the new Polish Pope, John Paul II, is scheduling a visit to " Salt-Haven " in Siberia, to discuss the prospect of repatriating all of the Polish prisoners detained in that infamous super maximum security institution.

Footnote: - Who knows, maybe one of these days Ottawa will work out a treaty to exchange prisoners between Cape Breton and Newfoundland and to make matters more hilarious, think of Rene Leveque's trip following Quebec's Referendum, what a ' Swap ' problem that will be.....

[illegible]

A little humour from Brooklyn, New York.

Two women were attending the funeral of a girlfriend that had been married eight times. One of the women sighed and said, "at last they are together again." The other woman asked, "which one of her late husbands are you talking about?" The first woman replied, "none of her husbands, I mean her legs."

A sign in a mens toilet read, "This may not be Paradise, but this is where Peter hangs out."

A girl was shopping for a birthday gift for her boyfriend. Told the salesgirl she is interested in something wild and wonderful in mens pants. The salesgirl replied, "we all are honey, we all are."

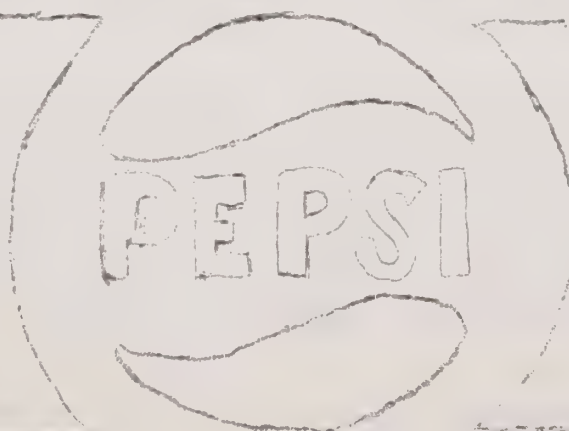
They say travellers cheques are better than cash. Did you ever try to use them in a pay toilet?

A six year old girl was eating a cookie while having her hair cut and the hair was falling all over the cookie. The girl cutting her hair said, "you have hair all over your cookie, " to which the six year old replied, "yeah! ain't that a bitch and I'm not even seven years old." :submitted by: Patrick Savarese.

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146  
THE WARDEN'S DIARY

February 1859

From out of the past -- from the time when Kingston Penitentiary served what was known as Upper Canada comes a day from another century. The only change from the original book are the officers' names.....

I delivered the keys to the Guard Powers at four O'clock when all was reported well. Mr. Kulpin on night duty reported all correct during the night. Saw Deputy Warden come in for the Bell Ringing and to see the Convicts out to breakfast.

After breakfast, went to town on a matter of accusation against Kennedy - no verdict against him because it could not be proven that he either took out or brought in letters for convicts.

Attended to the Punishment Book. Convicts Murren and Charron continue to flourish on the Punishment Book. They are both older than their appearance denotes. I shall be obliged to be very severe with these parties.

Being inclined to treat the Convicts with consideration, I released William Jones from further punishment although I have little confidence in his statement that he was not behaving in an obscene manner in his cell.

Visited the Female Prison and discussed business with Matron Walker. Matron Walker made a complaint about the unsavory conduct of one Mary Miller who is a new arrival. She possesses a very filthy tongue and will no doubt prove quite troublesome for all. She will bear watching.

I saw Convicts proceed to their supper and their seating. I saw to the prison closing and then retired to my own quarters and to my own bed.

Delivered the keys to Mr. Guard Fraser at five o'clock when all was reported quiet. Attended to see Convicts parade out with their buckets and to their breakfast.

This day the murderer Thalen was executed at Ottawa for the murder of Mr. Austin. It was a sneaking cowardly act and hanging was too good for him. Every exertion has been made to save his worthless life but had it even been so, what pleasure could he ever expect.

Convict Mars has been very anxious this day for news from Ottawa. This murderer has cherished his hopes to the last moment. He must never die with a lie in his mouth - but still he states he is not a murderer.

I attended to see the convicts proceed to their cells and saw them accounted for in the Keeper's Hall. After a quiet supper I returned for inspection of the ranges after which I returned to my quarters and went to bed.

I delivered the keys to Mr. Guard Sharron between four and five o'clock when all was reported quiet. Remained to see convicts proceed to breakfast.

Visited the Female Prison for business with Matron Walker. Informed of misconduct of one Shirley Lee. This depraved youth shows no morals at all and has been sentenced to ten meals bread and water for spitting at Matron Walker. Visited women's hospital and found lunatic patient to be much better. This girl must be kept under constant observation at all times and is proving to be quite a chore.

Convict William Dill has been charged with making scurrilous remarks to Mr. Guard Cunningham. As this is the third time for this convict, he will be placed in the dark cells on bread and water. This convict is a general rascal to everyone he comes in contact with.

After supper I returned to make close scrutiny of my guards as there have been reports that some of them are sleeping while on duty. This can not and will not be tolerated. After being assured that everything was correct, I returned to my quarters and to my bed.

I delivered the keys to Mr. Guard Priestly at half an hour past five o'clock who reported everything correct.

After breakfast I visited the stone shed before proceeding to the hospital. While at the hospital I was approached by convict John Thompson, waiting for a serious operation. This convict has been a problem but of late seems to be ready to make peace now that

Convict James Smith seemed rather shaken when accused of obscene and abusive language towards Mr. Guard Davidson while being locked in his cell. He is so sincere in his denials that I gave him the benefit of the doubt and let him go with a warning. Convict Adams almost succeeded in hanging himself last night and has a very sore and burned throat. He is confined to the dark cells.

After attending to see all convicts made correct I returned to my quarters for supper. Returned to the prison at eight O'clock. All was quiet except for the incessant snoring of the unnamed convict on tier B.

The snow is falling very hard and the convicts are not being allowed out to work this day. The risk of escape is too great. The day will be spent in general work around the prison, particularly cleaning up the cells. Some of them are really filthy. There can be no excuse for this. All guards will henceforth be held responsible to see that the prison is kept cleaner.

attended to see the convicts through supper before proceeding to my own quarters. Visited the prison at fifteen minutes past the hour of eight and upon learning that everything was secure I went home to my bed.

Basketball Saint Style

We have about 4 main main players who do most of the scoring and this helps the team alot considering that if you only have one person that does most of the scoring the opposition can watch that person a lot better by himself, than watching three or four good scorers.

:Submitted by Leo (Who) Smith.



To the editor

If it's your hope to generate interest with your work on the Contact then I'd have to say you were at least partly successful, at least as far as I was concerned, after reading the latest edition of your paper.

I can't believe that you would allow an article to go to the press without first doing a little research to find if it was in fact true. Which indeed was the case with the piece entitled "Leo (Who's) Report on Sports." We weren't "fucked" out of a thing! We joined the City League with the full understanding that we wouldn't be allowed in the play-offs even if we were good enough to make it. We joined it for what they had to offer us, which was 25 outside ball games played inside the walls. These are the same conditions we joined under last year and the year before and the year before that. At the end of every season rumours start floating around that if we make the play-offs we'll be allowed to go downtown and play or the league will come in to play the play-off games on our diamond. But we made a bargain at the top of the season and then we always try to renege on it. No one is putting the blocks to us when they say we can't go beyond the regular season, they're holding us to our word.

Whether we win or lose our games, whether we're the best team in town or not, doesn't matter. What is important is that those 25 ball games we get, provide the players with an escape for a couple of hours, our fans with something to cheer about or something to boo if they want too, and at least two umpires an opportunity to pick up a couple hundred dollars. So, the way I see it, we're the winners in any league we join.

We've been fucked before and, undoubtably be fucked again. But this won't be one of those times.

Thanks for the space.

:submitted by Wayne Hurlburt.

Editor's note - Thanks for your contributing article. It is a real pleasure to see guys getting involved.

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A man has to hacc up to himself sometime or other. He can continue to be satisfied, or ducking the issue for only so long and then there comes a time when he starts asking himself; hat have I done with my life up to this point. More often than not, the answer he recieves is not one to be proud of. The thing a man has to realize is that it is never too late. I've known many a man who braced up and made something of himself after he was forty years of age with nothing to show for the prior years but scars and shattered dreams. About the worst thing a man can do is lose sight of his dream; allow the dream to die. Some time back when I was not much more than a youngster, I used to think often of having my own family and how I would have handled things had this been so. An idea like this does not die shallow, it builds up and gathers strength hoping some day to be realized.

A man accumulates wisdom with years, gathers thoughts and ideas from others as time goes by and adds them all to his own store of knowledge. He studies people and the effect their environment has on them and all the time he is learning. Every idea is like a seed and, like a seed dropped in fertile soil, it germinates and begins to grow. Experience will help it to grow properly. If the dreams die, a man quickly becomes ill. The loss of dreams can cause a loss of direction, a loss of reason to go on living; it can cause him to welcome death. It is inborn that mankind shall dream and aspire to these dreams and this is good. It is only bad when a person's dreams are unrealistic and far beyond his reach, for never can he satisfy his dream to have his desires come true. A word to the wise then: Dream, but dream wisely; dream, but dream realistically.

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FLOOR HOCKEY AT COLLINS BAY 1978

Another season of floor hockey is now under way at Collins Bay. It seems there is almost a complete changeover of players this year, but once again this years hockey is proving just as colourful. Of course there are still a few veterans remaining. There's Leo Smith apparent proud winner of crybaby of the year award and I say proud only in light of his second consecutive win. Of course Leo is as important to the Bay as Eddie Shack was to the Gardins it seems all the fans are right there to offer him encouragement. There's been a rumour about Leo's intention to call it quits. Taking no more away from Leo he did win defenseman of the year last year and lets hope his decision to retire is not final.

Chuck McGrayne is playing good hockey again this year. And is seeing to be just as important an asset to the yellow team as he was to the Who last years big winners.

Teach Simmons hasn't gotten any slimmer or easier to get around and is playing pretty consistant defence for the Red team.

Mark Whelan is still playing good hard defence for the Red team. He was also a member of last years first place team The Who.

Now here are some of this years statistics. There are three teams that are fairly matched in the league this year. Here are some of the standing as of Nov. 13/78

	WIN	LOSE	TIE
Red Team	2	2	0
Yellow Team	2	2	0
Blue Team	2	2	0

So after four games apiece it is all tied up, this years hockey should prove interesting. Dave (Salty) Haight and Stan Massie are refereeing again this year. We have a new Commissioner Phil (Fish) Simon. The three of them are constantly conspiring trying to prevent anyone from stacking a team. As we all know they have their work cut out for them.

Here is a list of players for each team.

YELLOW TEAM

McGRAYNE
TOULOUSE
DILLON
RUDD
STANOUR
ROLLINS
MARSH
LARONDE
McNAMARA
LATINOULLE
BLACKIER
SMITH

BLUE TEAM

STOCKMAN
DUMONT
LACHOIX
FERGUSON
FORRESTER
ATKINSON
BARROW
LLOYD
COLBECK
SILVA
BARNES
HURLEBURT

RED TEAM

WELAN
DONAHUY
DAIGLE
GORHAM
MARCHAND
HOLLAND
MONAHAN
DOUCET
CEDAR
SIMONS
CHASTON
MALLETT
BANDIT
PERRON

And now for an inside look, at some of the individuals deserving mention from these three teams starting with the yellow team. Chuck McGrayne scoring 12 points so far this season is moving pretty good for the yellow team, but keep an eye open he is capable of much more. Edger Toulouse playing a good game in net and seems to be the outstanding goalie so far this year. Mike Dillon with 14 points surprising many has proved an excellent digger and all around asset to the yellow team. Leo Smith with 20 points is still performing well on the floor in between penalties and under his breath uttering. Gary McNamara with 5 points and 10 minutes in the penalty box having a fairly slow season but is being looked on for bigger and better things. And there's Rollins with 10 points but anyone watching would swear they were an accident. And Gary Rudd with 25 points playing good hockey and scoring consistently for the yellow team. And last but not least Greg Hughes with 28 points the yellow teams highest scorer at this point playing very strong hard hitting hockey. Oh and almost forgot Weird Harold Marsh if you've seen him play he's stacked up one point for this season and an

accidental assist and 10 in the penalty box.

Now for the Red Team there's Bob Gorham with 14 points doing some good work for the team but we'll be looking for more from him this season. At this point the referees are having a hard time pronouncing his last name. That with a silent H. Mark Whelan with 26 points hasn't let up for a second and is known as one of the harder hitters on the floor. Mean Mean Jack Doucet with 9 points started for the blue team and finishing with the red is also playing a hard hitting game. Believe me as the blue team is now nursing Jack Doucet bruises they regret his departure. Dave Donahuy with 13 points is putting his whole heart into the game. Even though he wants to punch the puck into the net. Mike Chaston with 17 points seems like he has some of the better moves as a hockey player but so far is running cold and hot when he starts clicking better days are ahead. Teach Simmons playing good defence this year with only 4 points not many points but a virtual wall on defence. Crazy Patty Monahan with 14 points having a really good season and performing very well considering. The Cedar wild scrapper for the Red team with 3 points scoring one goal this season and has second scoring opportunity the first one one of his team mates caught him before shooting on his on goalie on a running breakaway. And Danny Penault with 8 points handling the puck well but holding it a little too long putting his team to sleep.

And the Blue Team led by Bill (Pontiac) Stockman leading the league with 45 points called the pontiac because of his horn. He's also received 12 minutes in penalties threw his head back and got a penalty for highsticking (it was his nose) let there be no appeal in a referees judgement call. Phil (the Gapper) Atkinson known for his vicious hip checks with 25 points pound for pound one of the best performers in the league. Jimmy Payette one time braggart for the high scoring championship has changed his tune with only 15 points. And Ferguson wearing number 69 with 20 points, no one knows why the 69 as everyone knows his folk don't eat that stuff. Lacroix another snail but fine digger with only 3 points but playing really well. Forrester with 12 points playing well but trying not to mess his hair.

Gary Rudd is managing the yellow team and doing a fair good job up to this point but without Leo Smith no one knows what will happen to the yellow team. Billy Shannon weak and mild mannered manager for the red team. There is a vicious rumour that he at one time bet against his own team won and he lost. He's now saying that was his strategy but we'll never really know. And there's Savage Sam Smith manager for the Blue team having good control of his team of young new faces on the scene. The Blue team one of the smallest clubs in the league are really making a fine showing and there's no doubt any team they play are aware of their capabilities.

The referees are doing a great job even though they're still a lot of complaints they are doing their best. Dave (Salty) Haight seldom is heard a discouraging word he just points to the penalty box using one or two fingers growling. It could be an expensive season with slapping those pucks down at the face off time. Don't be mistaken that's not disgust just his basic nature. And Stan Massie everyone knows how to get half their penalty cancelled just ask him why and he gives you a one and a half minute explanation leaving only 30 seconds to sit in the box.

And last there's Fish the Comish doing a fine job you'll see him at every game cheering for both teams. As he's got one of the Boys from Illinois on every team.

There are some big new names just recently arrived on the scene Wayne Hurlburt goalie for the Blue team. I just received a report on his performance last night which was pretty impressive so keep your eyes open. There's Gary Barnes big defenceman for the blue team. He's at outside court right now but you can expect big things from him before the end of the season. Rabbit Burns and Paul Perron are both starting out for the red team. Reports on these two were also very impressive in the last game and are definitely worth keeping an eye on.

Well that's it so far this season is still young. We're hoping for a really good season for players and for alike. So pick a team if your not playing get out there and give them your support.

YOUR SPORTS REPORTER

Arty (Committee Rep) Melville

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SS MAIL



To

MR. I SHEPPARD
130 ST. GEORGE STREET
ROOM 8001
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THAT WE ARE NOW QUALIFIED AND CAPABLE OF DOING
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